

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

Court of Common Pleas Case No. 2026-CP-22-00424

Magistrate Case No. 2026CV221040024

Mohamad Haisam Kodaimati,
Appellant,

v.

Eric James Adamczyk,
Respondent.

RECEIVED

JUN 15 2026

SC Court of Appeals

CLERK OF COURT

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FILED
GEORGETOWN COUNTY, S.C.

NOTICE OF APPEAL TO THE SOUTH CAROLINA COURT OF APPEALS

*Appeal from the Court of Common Pleas, Georgetown County, Fifteenth Judicial Circuit,
Honorable Benjamin H. Culbertson, presiding; oral ruling issued June 4, 2026; written
Order/Form 4 electronically filed June 4, 2026, at 4:33 p.m.*

TO: The Clerk of the Court of Common Pleas, Georgetown County, South Carolina; the South Carolina Court of Appeals; and Respondent Eric James Adamczyk.

PLEASE TAKE NOTICE that Appellant Mohamad Haisam Kodaimati hereby appeals to the South Carolina Court of Appeals from the following rulings and orders:

1. The oral ruling of the Honorable Benjamin H. Culbertson, Circuit Court Judge, issued June 4, 2026, denying Appellant's appeal and declining to reach the merits of Appellant's four properly-noticed motions;
2. The written Order/Form 4 electronically filed June 4, 2026, at 4:33 p.m., dismissing all of Appellant's motions for "failure to post the necessary bond" — a ground directly contradicted by S.C. Code Ann. § 27-40-800(b), (c) and by the Court's own oral conduct at the same hearing;
3. The April 28, 2026 "Order/Dismissal/Magistrates Court" entered in the docket by the Clerk of Court — not by any Common Pleas judge — based solely on a letter from Magistrate John A. Love, which is void as a matter of law because a clerk has no authority to dismiss a timely-filed civil appeal; and
4. Any formal written order entered by the Court of Common Pleas confirming, memorializing, or supplementing the June 4, 2026, oral ruling and Form 4.

PRELIMINARY STATEMENT

Every ground in this appeal is documented in the court's own record. Appellant does not ask this Court to take his word for anything. The magistrate court's own file — filed into the Common Pleas record on June 2, 2026 — contains the returned trial summons, the undelivered envelope, the jury strike sheets, the jury verdict form, and Magistrate Love's letter. The Common Pleas docket shows the clerk dismissal timestamp and the disposition judge listed as "Clerk of Court." The written Order says, "failure to post the necessary bond." The statute says the undertaking "is sufficient." The timeline shows the eviction occurred seven days before the stay could legally dissolve. This is not a close case. Every error is documented in the government's own papers.

The magistrate's own file — filed into the Common Pleas record on June 2, 2026, two days before the hearing — contains the returned trial summons (Page 7), the undelivered envelope stamped "NOT KNOWN / UNABLE TO FORWARD" (Page 5), the court's receipt of that returned envelope on May 8, 2026 (Page 6), the Random Strike Sheets showing a 35-person jury pool assembled April 13-14, 2026 (Pages 54-55), and the signed Verdict Form showing "Find for Plaintiff — \$7,500" dated April 13, 2026 (Page 56). These documents were never disclosed to Appellant before the June 4 hearing. They are now permanently in this Court's record and are incorporated into this appeal by reference as Exhibits E-1 through E-5.

GROUND FOR APPEAL

Ground 1 — The Five-Day Window: The Dismissal and Eviction Both Occurred Before a Single Payment Was Due — The Stated Basis for Denial Did Not Yet Exist

Appellant filed his Tenant's Undertaking on April 24, 2026. Under S.C. Code Ann. § 27-40-800, the stay dissolves only when the tenant "fails to make any rental payment **within five days of the due date.**" Under the parties' lease, rent is due the 1st of each month. The five-day grace period runs through the 6th.

- **April 24 — Day 1:** Undertaking filed. Mandatory stay triggered. Zero dollars due.
- **April 28 — Day 4, 4:10 p.m.:** Clerk dismisses appeal. Zero dollars due. Stay cannot dissolve until May 6 at the absolute earliest.
- **April 29 — Day 5:** Sheriff executes writ. Appellant evicted. Zero dollars due. Mandatory stay in full legal force.
- **May 1:** First payment due date. Appellant already homeless two days.
- **May 6:** Earliest date stay could legally dissolve under § 27-40-800. **Seven days after the eviction.**

The written Order dismisses for "failure to post the necessary bond." Under § 27-40-800(b), (c), no bond equal to the full judgment is required — the Undertaking to pay monthly rent going forward is expressly declared "sufficient." The Court itself abandoned the bond argument at the hearing when Appellant cited this statute, then dismissed on bond grounds in writing. The dissolution of the stay — and the eviction — on April 28-29 was not merely premature. It was **statutorily impossible** under the plain text of § 27-40-800.

Ground 2 — The April 28, 2026, Dismissal Is Void: A Clerk Cannot Dismiss a Civil Appeal

The Common Pleas docket lists the Disposition Judge as "**Clerk of Court C P, G S, And Family Court.**" The dismissal was entered at 4:10 p.m. on April 28 — one minute after Magistrate Love's letter was filed at 4:09 p.m. No Common Pleas judge reviewed Appellant's appeal or Tenant's Undertaking before the dismissal was entered. A dismissal of a timely-filed civil appeal is a judicial act requiring a circuit court judge. The dismissal is a legal nullity.

Ground 3 — Magistrate Love Had No Jurisdiction Over the Pending Appeal and Acted as an Advocate

Once Appellant filed his Notice of Appeal on April 24, 2026, jurisdiction transferred to the Court of Common Pleas. Magistrate Love had no authority to direct, influence, or request disposition of an appeal from his own judgment. His letter to the Common Pleas clerk — requesting that Appellant's "Appeal Request be denied" and stating "The Writ of Ejectment still stands to vacate the property when the Sheriff's office comes out" — was not a court order. It was advocacy. A magistrate acting as advocate for the outcome of an appeal from his own judgment, in a court that has already acquired jurisdiction, is acting entirely outside his authority. The clerk had no basis to act on it, and the dismissal entered one minute later was not a judicial act.

Ground 4 — The Court of Common Pleas Misapplied § 27-40-800(b), (c) — The Written Order Contradicts the Court's Own Oral Conduct

At the June 4 hearing, the Court initially pressed Appellant on the \$7,500.00 bond. Appellant cited § 27-40-800(b), (c) — the statute expressly says the Undertaking "is sufficient." The Court abandoned that argument and pivoted to rent. The written Order then dismissed for "failure to post the necessary bond" — the precise ground the Court had just retreated from when the statute was cited. A written order that dismisses on a ground the issuing court declined to enforce at the same hearing, without addressing the controlling statutory text, is legal error on its face requiring reversal.

Ground 5 — The Trial Summons Was Never Delivered: The Court's Own File Proves It

The magistrate filing submitted to the Common Pleas record on June 2, 2026, contains three pages that constitute conclusive, self-contained proof of void service — proof that was in the magistrate's own file throughout these proceedings and was never disclosed to Appellant or to Judge Culbertson:

Page 7 — the March 26, 2026, Magistrate Summons addressed to Appellant at 1692 South Morgan Avenue — the Respondent's own address — for the jury trial week of April 13, 2026.

Page 5 — the window envelope carrying that summons, returned by USPS: "RETURN TO SENDER — ATTEMPTED — NOT KNOWN — UNABLE TO FORWARD." Regular first-class mail, \$0.70 postage. Not certified. No delivery confirmation. Pages 5 and 7 are the same mailing — the undelivered envelope and its contents.

Page 6 — "RECEIVED MAY 8, 2026" — the court's own stamp confirming it received its returned, undelivered trial summons back into its file 25 days after the trial, 9 days after the eviction, and 10 days after the clerk dismissed the appeal.

These three pages establish without inference: the court mailed the trial summons to the Respondent's address; USPS confirmed Appellant was "NOT KNOWN" there; the trial proceeded while the summons was undeliverable; the \$7,500.00 jury verdict was entered against Appellant at a trial he had no notice of; and the court received proof of its own failed service after everything was done. The magistrate's office then filed this proof into the Common Pleas record two days before the June 4 hearing without disclosing it. Appellant was not lying about never receiving notice. The court's own file proves it.

Under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950), notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action." Mailing to the opposing party's own address — where the intended recipient is "NOT KNOWN" — is the antithesis of that standard. The jury verdict, default judgment, writ, and all proceedings flowing from the April 13, 2026, trial are void for lack of constitutionally adequate notice.

Ground 6 — The Court Knew Appellant's Physical Location and Used the Wrong Address Anyway

On January 30, 2026, the magistrate court successfully served Appellant by physically posting the Rule to Vacate at **1746 South Morgan Avenue** — confirmed by the signed service return of Clerk Marvetta G. Wineglass in the court's own file. The court possessed Appellant's physical location two months before the trial summons was issued. When the trial summons was sent on March 26, 2026, the court chose to mail it to the Respondent's address at 1692 instead of using the address at 1746 where service had already worked. That choice was not reasonably calculated to provide notice. *Mullane*, 339 U.S. at 314.

Ground 7 — The Plaintiff Deliberately Caused the Defective Address — Fraud on the Court

The Plaintiff listed his own address — 1692 South Morgan Avenue — as Appellant's mailing address on the court information sheet, ensuring all court mail went to a mailbox he controlled. He simultaneously knew and used Appellant's real contact information for other purposes. By routing court mail to his own address while knowing Appellant could not receive it there, the Plaintiff committed fraud on the court under Rule 60(b)(3), SCRCP. *McCoy v. Worsham*, 297 S.C. 366, 377 S.E.2d 109 (Ct. App. 1989). He cannot benefit from the defective notice his own conduct created.

Ground 8 — A Full Jury Trial Was Conducted in Appellant's Complete Absence

The June 2, 2026, magistrate filing contains Random Strike Sheets dated April 13-14, 2026, showing a 35-person jury pool assembled for this case, and a signed Verdict Form showing "Find for Plaintiff — \$7,500" with a foreperson's signature dated April 13, 2026. This was a full jury trial — pool assembled, strikes conducted, jury empaneled, testimony heard, verdict returned — without Appellant's presence or knowledge. Appellant had filed a Request for Jury Trial on February 17, 2026. He was excluded from the trial of his own jury demand. The Order of Disposition states "the parties to this action presented testimony and arguments" — that statement is false. Only one party was present. A jury verdict entered against an absent party who received no valid trial notice is void. *Robinson v. Hassiotis*, Op. No. 3962 (S.C. Ct. App. 2005).

Ground 9 — The Default Judgment Is Independently Void on Multiple Grounds

The April 14, 2026, default judgment is void on each of the following independent grounds:

- (a) The judgment awards \$7,500.00 on a complaint demanding only \$3,000.00, in direct violation of Rule 54(c), SCRCP, which prohibits a default judgment exceeding the amount demanded. *Howard v. Holiday Inns, Inc.*, 271 S.C. 238, 246 S.E.2d 880 (1978);
- (b) No written 5-day notice to pay or vacate was ever served before the ejectment was filed, in violation of S.C. Code Ann. § 27-40-710 — Respondent admitted this on the record at the April 13, 2026, hearing;
- (c) Appellant filed an Answer, Counterclaim, and Request for Jury Trial on February 17, 2026 — default was entered against a party who had appeared, in violation of Rules 55 and 60(b), SCRCP, and *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988);
- (d) Appellant's Request for Jury Trial was never acknowledged or addressed before the magistrate proceeded to a jury trial that excluded Appellant; and

(e) The magistrate denied Appellant's Motion to Set Aside by writing "Motion Denied 4/22/26" — one line, no hearing, no findings, no reasoning — on a motion explicitly raising Fourteenth Amendment due process violations. That denial, without a hearing or reasoned order, is itself a due process violation. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Mullane*, 339 U.S. 306 (1950).

Ground 9A — The Written Order of June 4, 2026, dismisses on a Ground the Court Orally Abandoned at the Same Hearing

The written Order/Form 4 electronically filed June 4, 2026, at 4:33 p.m. states: "All of the appellant's motions pending in this appeal from an eviction issued by the magistrate are DISMISSED due to the dismissal of this appeal for the appellant's failure to post the necessary bond."

At the June 4 hearing, the Court initially pressed Appellant on the \$7,500.00 bond requirement. Appellant cited § 27-40-800(b), (c) — the statute expressly says the Undertaking "is sufficient" and the stay is mandatory. The Court abandoned that argument and shifted to asking about April and May rent. The written Order then dismissed for "failure to post the necessary bond" — the precise ground the Court had just retreated from when the statute was cited. A written order dismissing on a ground the issuing court orally declined to enforce at the same hearing, without any engagement with the controlling statutory text, is legal error on its face. Moreover, under § 27-40-800, the stay could not legally dissolve until May 6, 2026 — seven days after the eviction — meaning the bond/rent argument was doubly inapplicable: the undertaking was sufficient, and no payment was due.

Ground 10 — The Writ of Ejectment Was Executed at the Wrong Address, Without Valid Notice, After Field Alteration by a Deputy

The Writ names **1692 South Morgan Avenue**. The eviction was executed at **1746 South Morgan Avenue** — a separate parcel confirmed by Georgetown County GIS records — in violation of S.C. Code Ann. §§ 27-37-10, -37-40, and -37-100. On April 27, 2026, Deputy Blakley altered the writ by hand in the field, stated on video "I put the right address on it," then withdrew the papers without serving them. No valid 24-hour notice under § 27-37-160 was ever served after April 27, 2026, before the April 29, 2026, eviction. An eviction executed under a facially defective, field-altered writ naming a different parcel, without proper statutory notice, is unlawful and void.

Ground 11 — The Court Declined to Address Four Properly-Noticed Motions on Their Merits

Appellant properly noticed and filed four motions for the June 4, 2026, hearing, each with independent legal grounds not dependent on the appeal status:

- Motion to Address Completed April 29, 2026, Eviction;
- Motion to Stay Enforcement and Preserve Property;
- Motion to Quash Writ of Ejectment; and
- Motion for Preservation Order and Subpoenas.

The written Order dismisses all four without reaching any of them on the merits. These motions present independent grounds for relief under Rules 54(c), 60(b), SCRCP; §§ 27-37-160, 27-40-660, 27-40-760; and the constitutional provisions cited herein. Failure to address them is independently reversible error.

Ground 12 — Irreparable Harm: Permanent Damage to Appellant's Property and Livelihood from Government Action

This ground addresses the ongoing, compounding, and potentially permanent harm being inflicted on Appellant as a direct result of government action — not merely private landlord-tenant dispute.

Appellant's two motorhomes — his home and the entirety of his livelihood — were seized by Georgetown County Sheriff's deputies on April 29, 2026, and towed to a private tow yard. These motorhomes are non-operational due to mechanical issues and cannot be moved without risk of structural damage. Their combined value is approximately \$400,000.00.

As of the date of this filing:

- (a) **Towing and storage charges** are approaching and likely exceeding \$20,000.00 and continue to accrue daily with no cap, no court order authorizing the accrual, and no ability by Appellant — who has been rendered homeless — to pay or retrieve his property;
- (b) **The tow yard has no obligation** under current circumstances to hold the vehicles indefinitely — they may proceed to lien sale or auction under South Carolina law once charges reach a threshold, permanently destroying Appellant's property and any equity in it;
- (c) **All of Appellant's personal property and belongings** were inside the motorhomes at the time of the eviction — clothing, documents, tools, electronics, business equipment, and personal effects — and remain inaccessible or at risk of disposal;
- (d) **The eviction that caused this seizure was executed in violation of the mandatory statutory stay** under § 27-40-800(b), (c) — meaning the government actors who seized this property did so without lawful authority;
- (e) **The writ authorizing the seizure named a different address** — 1692 South Morgan Avenue, not 1746 — meaning the deputies who towed the motorhomes acted under a facially defective writ that did not authorize action at 1746 South Morgan Avenue; and

(f) **Deputy Blakley altered the writ in the field on video** before the eviction — meaning the writ executed on April 29 was a field-modified document, not a court-issued instrument, and the seizure of property under it was unauthorized.

The harm here is not speculative. It is concrete, daily, compounding, and approaching the point of no return. Once a tow yard proceeds to lien sale, the loss is permanent and irreversible. No money judgment after the fact can restore a \$400,000.00 home and livelihood that has been auctioned for storage fees.

The tow yard holding Appellant's motorhomes is not a party to this proceeding and has no obligation to await appellate resolution before initiating lien sale proceedings. Under South Carolina law, a towing company may proceed to lien sale after a relatively short period of unpaid charges. Appellant, rendered homeless and without income by the unlawful government-executed eviction, cannot pay the accruing charges. The window for preventing permanent loss through lien sale may be measured in days or weeks — not months. Emergency relief from this Court is the only mechanism available to prevent permanent, irreversible destruction of \$400,000.00 in property seized by government actors who violated mandatory statutory procedures at every step. The Court of Appeals has authority under Rule 225, SCACR to issue emergency injunctive relief pending appeal. Appellant respectfully requests that this Court exercise that authority now, before the harm becomes irreversible.

The government — not merely the landlord — is responsible for this harm for the following reasons:

First, the Georgetown County Sheriff's Office executed the eviction. The deputies are government actors operating under color of state law. Their action on April 29, 2026 — executing a writ at the wrong address, without valid 24-hour notice, in violation of the mandatory statutory stay, under a field-altered document — constitutes a deprivation of Appellant's property without due process of law under the Fourteenth Amendment to the United States Constitution. *42 U.S.C. § 1983. Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982) (state officials acting under color of law who deprive a person of property without adequate procedural safeguards violate § 1983).

Second, the Clerk of Court — a government officer — dismissed Appellant's appeal without judicial authority, destroying the mandatory stay that would have prevented the eviction. The dismissal was a ministerial act by a state employee that directly caused the property seizure.

Third, the magistrate court — a government tribunal — mailed the trial summons to the wrong address, conducted a jury trial in Appellant's absence, entered a judgment exceeding the complaint demand, denied a constitutional motion with a one-line notation, and then personally appeared in the reviewing court to advocate against Appellant's appeal. Each of these acts was taken by a government actor under color of state law.

Fourth, the combination of these government acts — defective service, void judgment, unauthorized clerk dismissal, mandatory stay violated, writ executed at wrong address under field-altered document — forms a chain of state action that deprived Appellant of his home, his property, and his livelihood without any constitutionally adequate process at any stage. This is not a dispute about whether the landlord was right. This is a case about whether the government followed its own laws when it seized a man's home. It did not.

The damages flowing from this chain of government action include:

- Towing and storage charges currently approaching \$20,000.00 and accruing daily;
- Risk of permanent loss of two motorhomes valued at approximately \$400,000.00 through lien sale or auction;
- Loss of all personal property, belongings, business equipment, and documents contained in the motorhomes;
- Continued homelessness since April 29, 2026 — 37 days and counting as of this filing;
- Loss of income and livelihood resulting from the destruction of Appellant's mobile home and business platform;
- Ongoing emotional distress, displacement, and inability to pursue normal life and business activities; and
- Attorney fees and costs, to the extent recoverable under 42 U.S.C. § 1988 in any subsequent federal proceeding.

Appellant respectfully submits that the South Carolina Court of Appeals has both the authority and the obligation to act now — before the tow yard proceeds to auction — by issuing an emergency stay prohibiting any sale, transfer, auction, or disposal of the motorhomes and their contents pending resolution of this appeal. Every day of delay increases the likelihood that the harm becomes permanent and irreversible. The balance of equities is not close: Respondent is delayed in receiving possession of a bare lot; Appellant risks the permanent loss of his home, livelihood, and \$400,000.00 in property seized by government actors without lawful authority.

Ground 13 — Equal Protection: Structural Bias Against Arab Muslim Pro Se Litigant

Appellant is an Arab American of Semitic origin and a Muslim. He raises this ground not as an accusation of personal animus against any individual, but as a documented pattern of official conduct cognizable under the Equal Protection Clause of the Fourteenth Amendment and Article I, § 3 of the South Carolina Constitution, and preserved for review under 42 U.S.C. § 1983 in federal court if necessary.

The record documents an unbroken chain of procedural failures, each operating against Appellant: the trial summons was mailed to the Respondent's address while Appellant's physical location was in the court's own file; a full jury trial was held in Appellant's complete absence; a constitutional motion was denied in one line without hearing; the magistrate personally intervened to kill the appeal from his own judgment; the appeal was dismissed by a clerk one minute after the magistrate's letter arrived; the mandatory stay was never honored; the writ was executed at the wrong address after field alteration on video; the eviction occurred seven days before the stay could legally dissolve; the magistrate and sheriff's command personnel appeared uninvited at the Circuit Court hearing; and the Circuit Court dismissed all motions without reaching any on the merits — on a ground it had orally retreated from at the same hearing.

When every procedural safeguard fails in the same direction against a single pro se litigant who is a member of a historically marginalized ethnic and religious minority, in a small rural county where professional relationships are close and the same actors appear repeatedly, the cumulative pattern raises a cognizable equal protection concern. *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 266 (1977). Appellant preserves this argument fully for this Court and for federal review.

Ground 14 — The SC Supreme Court's June 4, 2026, Disqualification Order and Appearance of Impropriety

On June 4, 2026 — the same day as the hearing — the South Carolina Supreme Court issued an Order in Appellate Case No. 2026-001047, amending Canon 3 of the Code of Judicial Conduct effective immediately, requiring judges to disqualify themselves when law enforcement supervisors whose conduct is at issue may appear before them, and requiring disclosure on the record of all information relevant to disqualification before addressing substantive matters.

At the June 4 hearing, Lieutenant Alan Jackson — a supervisory sheriff's officer whose command over the deputies who executed the writ at the wrong address is directly at issue — was present in the courtroom gallery un-subpoenaed, alongside Magistrate Love and Deputy Blakley. No disclosure was made on the record. No disqualification inquiry was conducted before substantive matters were addressed. These omissions, under an Order that took effect that same day, are preserved as grounds for appellate review.

Ground 15 — Wrong Case Numbers in the Magistrate Filing Raise Record Integrity Concerns

The Civil Action Coversheet in the June 2, 2026, magistrate filing bears case number "2024-CP-22-00424" and a 2024 filing stamp. Pages 33 and 51 of the same filing contain a document from case number "2024CV221050" — a different case and year entirely. The integrity of the record

transmitted to this Court from the magistrate's office requires certification and verification before the appeal proceeds.

STATEMENT REGARDING SIMULTANEOUS MOTION TO RECONSIDER AND SUPPLEMENT

Appellant has simultaneously filed a Motion to Reconsider and a Supplement to that Motion with the Court of Common Pleas. In the event the Court of Common Pleas grants reconsideration and enters appropriate relief, Appellant reserves the right to withdraw this Notice of Appeal. This Notice of Appeal is filed to preserve all appellate rights and deadlines and to protect Appellant from further irreparable harm, including ongoing storage charges, risk of lien sale of the motorhomes, and continued homelessness.

RELIEF REQUESTED ON APPEAL

Appellant respectfully requests that the South Carolina Court of Appeals:

1. **Accept** this Amended Notice of Appeal and docket this matter for expedited review given the irreparable harm described in Ground 12;
2. **Issue an emergency stay immediately prohibiting:**
 - o Any sale, auction, transfer, lien sale, or disposal of Appellant's two motorhomes and all personal property and contents therein;
 - o Any further accrual of storage charges beyond those already incurred, pending resolution of this appeal;
 - o Any further enforcement of the April 14, 2026 judgment or April 29, 2026 eviction, on the grounds that: (a) Appellant has a substantial likelihood of success on the merits; (b) Appellant faces immediate, concrete, and irreversible harm — permanent loss of \$400,000.00 in property through imminent lien sale; (c) the balance of equities strongly favors Appellant, whose property was seized by government actors without lawful authority; and (d) a stay serves the public interest in ensuring government actors comply with mandatory statutory procedures before seizing citizens' homes and property;
3. **Reverse** the June 4, 2026, written Order dismissing all motions for "failure to post the necessary bond," which directly contradicts § 27-40-800(b), (c) and the Court's own oral conduct at the hearing;

4. **Vacate** the April 28, 2026, clerk/magistrate dismissal as void — entered without judicial authority, one minute after a magistrate's letter in a court that had already lost jurisdiction;
 5. **Vacate** the April 14, 2026, default judgment as void on its face under Rule 54(c) (exceeds complaint demand), Rule 9(a) SCRMC (no written trial notice), *Mullane* (no constitutionally adequate service), and Rule 55/60(b) (default against a party who had appeared);
 6. **Vacate** the Writ of Ejectment as defective — wrong address, field-altered, executed without valid 24-hour notice under § 27-37-160;
 7. **Remand** to the Court of Common Pleas with instructions to:
 - Honor the Tenant's Undertaking as a mandatory stay under § 27-40-800(b), (c);
 - Address Appellant's four noticed motions on their merits;
 - Order return of Appellant's motorhomes and relief from storage charges arising from the unlawful eviction;
 - Restore Appellant as nearly as possible to his pre-eviction condition; and
 - Conduct a new hearing on the merits of Appellant's appeal from the magistrate court with proper notice and full opportunity to be heard;
 8. **Refer** the conduct of Magistrate John A. Love — including his personal intervention in the pending appeal from his own judgment and his un-subpoenaed appearance at the Circuit Court hearing — to the appropriate judicial disciplinary authority;
 9. **Award** Appellant such damages, costs, and fees as are recoverable under applicable law, including under 42 U.S.C. § 1988 to the extent federal claims are sustained; and
 10. **Grant such other and further relief** as this Court deems just and proper.
-

CONCLUSION

Appellant filed a timely appeal. He paid all required fees. He filed a Tenant's Undertaking that made the stay mandatory by operation of law. His appeal was killed by a clerk acting on a magistrate's letter — on Day 4 of the five-day window before the first payment was due. He was evicted the next day — Day 5 — still before any payment was due. The writ named the wrong address. The deputy altered it in the field on video. The eviction was executed anyway. Forty-one days later, the first judge to appear in this case denied the appeal for "failure to post the necessary bond" — the same ground he had orally retreated from at the hearing when Appellant cited the statute that says the undertaking is sufficient.

The magistrate's own file — now in this Court's record — contains the returned trial summons, the May 8 received stamp, the jury strike sheets, and the verdict form. These documents prove every core fact of this appeal without requiring this Court to credit Appellant's word for a single element. The proof is in the government's own papers. The law is in the statute. The contradiction is in the written order. This Court has everything it needs to act.

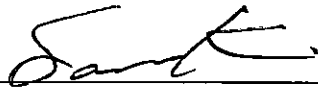
Before this appeal was filed, the court's own file already contained the returned trial summons — proof that Appellant never received notice of the jury trial at which a \$7,500.00 verdict was entered against him in his absence. That proof was filed into the Common Pleas record two days before the June 4 hearing and was never disclosed to the Court.

Appellant has been homeless since April 29, 2026. His motorhomes — home and livelihood valued at \$400,000.00 — are sitting in a tow yard with charges approaching \$20,000.00, accruing daily, with lien sale approaching. Government actors seized them. Government actors violated the mandatory stay. Government actors executed a writ at the wrong address. Government actors dismissed a timely appeal without a judge.

The South Carolina Court of Appeals has both the authority and the obligation to stop this now, before the harm becomes permanent and irreversible.

Appellant respectfully requests that this Court act.

Respectfully submitted,



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Dated: June 5, 2026

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Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials	
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Document
aimati, amad sam	Order/Electronic Form 4/See Form 4	Order		06/04/2026-16:33		
aimati, amad sam	Filing/Magistrate File	Filing		06/02/2026-12:44		
mczyk, James	Filing/Return Receipt	Filing		05/29/2026-12:56		
aimati, amad sam	6/4/2026_MOTION_Roster/Notice of Case Roster Publication Sen	Action		05/26/2026-09:43	Exhibit 	
aimati, amad sam	6/4/2026_MOTION_Roster/Notice of Case Roster Publication Sen	Action		05/26/2026-09:43		
aimati, amad sam	6/4/2026_MOTION_Roster/Notice of Case Roster Publication Sen	Action		05/26/2026-09:43		
aimati, amad sam	6/4/2026_MOTION_Roster/Notice of Case Roster Publication Sen	Action		05/26/2026-09:43		
mczyk,	6/4/2026_MOTION_Roster/Notice of Case Roster Publication Sen	Action		05/26/2026-09:43		

Exhibit

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aimati, amad sam	Order/Granting in Forma Pauperis	Order		05/14/2026- 16:06		
aimati, amad sam	Motion and Affidavit to Proceed in Forma Pauperis/Pro Se	Motion		05/14/2026- 16:06	05/14/2026- 16:06	
aimati, amad sam	Appeal/Notice of Civil Appeal (Workflow)	Action		05/04/2026- 12:59	04/28/2026- 12:59	
aimati, amad sam	Order/Dismissal/Magistrates Court	Order	EXH D-1	04/28/2026- 16:10	04/28/2026- 16:10	
aimati, amad sam	Service/Certificate Of Service	Filing		04/24/2026- 13:08	04/28/2026- 13:08	
aimati, amad sam	Filing/Tenants Undertaking to Stay Execution on Appeal	Filing	EXH D-2	04/24/2026- 13:08	04/28/2026- 13:08	
aimati, amad sam	Memo/Memo in Support of Not of Appeal/Mot to Stay	Filing		04/24/2026- 13:07	04/28/2026- 13:07	
aimati, amad sam	Motion/Stay Execution of Writ of Ejectment/Pro Se	Motion		04/24/2026- 13:05	04/28/2026- 13:05	
aimati,	Motion/Appeal/No Docs	Motion		04/24/2026-	04/28/2026-	

**STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN**

Exhibit
E-1

Mohamad Kodaimati
1692 South Morgan Avenue
Andrews, SC 29510

MAGISTRATE SUMMONS

You are hereby summoned to be and appear in the

Central Jury
333 Cleland Street
Post Office Box 807
Georgetown, SC

during the week beginning on April 13, 2026 at 9:00 AM to serve as a plaintiff, defendant, attorney, or witness in a jury trial of:

RE: Eric James Adamczyk

Vs Mohamad Haisam Kodaimati

PLAINTIFF(S)

DEFENDANT(S)

Civil Case #: 2026CV221040024

HEREIN FAIL NOT, ON PAIN OF THE LAWFUL PENALTY OF SUCH CASES MADE AND PROVIDED.

JUDGE



Central Jury
333 Cleland Street
Post Office Box 807
Georgetown, SC 29440
Phone: (843) 545-3383
Fax: (843) 545-3394

March 26, 2026



Georgetown Summary Court
Judge John A. Love
333 Cleland Street
Georgetown, SC 29440
Attn: Central Jury Court

COLUMBIA SC 29400

26 MAR 2026

FIRST CLASS



US POSTAGE

ZIP 29440 \$ 000.74⁰
02 TIV
009802657 JAN 29 2016

-R-T-S- 295102026-1N 009 04/27/26

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER

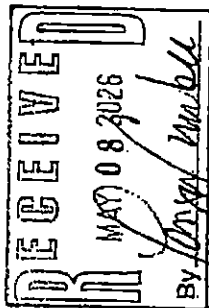


29510-683082



AWK

EX-2



Exh

E-3

EXH E-4

Georgetown Countywide Magistrate
RANDOM STRIKE SHEET

Track # 140-1
4-14-26
Judge Love
Sorted By Random Nbr

Judge Name:

Trial Type:

Panel ID: Eric Adamcyk

Description: Eric Adamcyk

Courtroom: CTRM

\$7500.00 Trial 72 hours
to vacate
Mon. 1:00 p.m.

Jury Found For The Plaintiff

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF CRT	REMARKS
	21	W	F	(1)	()	()
	178	W	M	()	()	(1) 1.
	12	W	M	()	()	(2) 2.
	136	B	M	()	()	()
	10	B	M	()	()	()
	129	W	M	(2)	()	()
	30	W	M	()	()	(3) 3.
	41	B	M	(3)	()	()
	146	W	F	()	()	(4) 4.
	91	W	F	()	()	()
	59	W	M	(4)	()	()
	105	B	F	(5)	()	()
	223	B	M	()	()	()
	236	W	F	()	()	(5) 5.
	201	W	F	()	()	()
	45	W	F	()	()	(6) 6.
	215	W	M	()	()	(7) 7.
	20	W	M	()	()	()
	94	B	F	()	()	()
	177	B	F	()	()	()
	80	W	M	()	()	()
	200	W	M	()	()	()
	102	W	M	()	()	()
	162	W	M	()	()	()
	66	B	F	()	()	()
	26	W	F	()	()	()
	32	W	M	()	()	()
	67	W	F	()	()	()
	47	W	F	()	()	()
	196	W	M	()	()	()
	180	B	F	()	()	()
	96	B	F	()	()	()

**Georgetown Countywide Magistrate
RANDOM STRIKE SHEET**

Judge Name:

Trial Type:

Sorted By Random Nbr

Panel ID: Eric Adamcyk

Description: Eric Adamcyk

Trial

Courtroom: CTRM

33		171	W	M	()	()	()	_____
34		165	W	M	()	()	()	_____
35		87	W	M	()	()	()	_____

Total Number of Jurors: 35

**** END OF REPORT ****

Exh E-5

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

)
)
)
)
)

2026CV221040024/Rule To Vacate
Case Number
IN THE MAGISTRATES COURT

VERDICT FORM

Eric James Adameczyk

VS

Mohamad Haisam Kodaimati

PLAINTIFF(S)

DEFENDANT(S)

- ☒ Find for Plaintiff
☐ Find for Defendant

\$ 7,500

Foreperson:	
Juror:	
Juror:	
Juror:	
Juror:	
Juror:	
Juror:	
Juror:	
Alternate Juror:	

Thank you for your time and careful consideration of this case.

April 13, 2026

EXh E-6

ELECTRONICALLY FILED - 2026 Jun 04 4:33 PM - GEORGETOWN - COMMON PLEAS - CASE#2026CP2200424

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Georgetown
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP2200424

Mohamad Haisam Kodaimati
PLAINTIFF(S)

Eric James Adamczyk
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

All of the appellant's motions pending in this appeal from an eviction issued by the magistrate are DISMISSED due to the dismissal of this appeal for the appellant's failure to post the necessary bond.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/04/2026 .

Eric James Adamczyk for Eric James Adamczyk
Mohamad Haisam Kodaimati for Mohamad Haisam Kodaimati
Eric James Adamczyk for Eric James Adamczyk
Mohamad Haisam Kodaimati for Mohamad Haisam Kodaimati

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Georgetown Common Pleas

Case Caption: Mohamad Haisam Kodaimati VS Eric James Adameczyk

Case Number: 2026CP2200424

Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

The Supreme Court of South Carolina

Re: Amendments to Rule 3, Code of Judicial Conduct,
Rule 501, South Carolina Appellate Court Rules

Appellate Case No. 2026-001047

ORDER

This Court has recently been made aware of instances where judges have misapplied the disqualification and the remittal (waiver) of disqualification processes in Canon 3 of the Code of Judicial Conduct (CJC), which is found in Rule 501 of the South Carolina Appellate Court Rules (SCACR). In most instances, judges appear to understand when they are disqualified from presiding in cases because their impartiality might reasonably be questioned. However, there appears to be some misunderstanding regarding mandatory disqualifications that frequently arise based on judges' family connections with law enforcement or prosecution agencies. Further, some judges appear eager to remit these disqualifications; however, remittal is a difficult, cumbersome procedure that should not be routinely invoked by a judge. Furthermore, while the rule states a judge should ask the parties if they wish to remit the disqualification as part of the process, remittal should be based on the express request of the parties to proceed, not a judge's desire to hear a matter. We believe amendments to the Canon are necessary to provide additional instruction and guidance.

Pursuant to Article V, Section 4 of the South Carolina Constitution, we amend Canon 3 of the Code of Judicial Conduct in several respects.

First, Section E(1)(d) is amended to add new paragraph (v) to clarify that disqualification is required in cases where "the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person"¹ is directly involved in the arrest or prosecution in the pending

¹ The third degree of relationship is defined as a "great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece."

matter or is employed in the office of the law enforcement or prosecuting agency and has supervisory or managerial authority over officers or prosecutors who may appear before the judge. A new explanatory paragraph has been added to the Commentary to this portion of Section E. This amendment is consistent with, and essentially codifies, this Court's opinion in *In re Barker*, 436 S.C. 610, 875 S.E.2d 44 (2022).

Second, we amend portions of the Commentary in Sections E and F in several respects. These amendments are intended to: (1) provide additional guidance with regard to when and how judges may utilize the remittal process; (2) clarify the process for a judge to disclose issues that do *not* mandate disqualification, but require disclosure, and add language regarding the process to consider and rule on motions from the parties in those cases; and (3) instruct judges on the limited, narrow use of the rule of necessity in cases where a judge would ordinarily be disqualified, but involve an emergency or where immediate action is required.

Finally, we take this opportunity to remind judges that all litigants are entitled to an impartial tribunal. While judges have a duty to "hear and decide matters assigned to the judge except those in which disqualification is required" under Section B(1) of Canon 3, judges also have an obligation to self-disqualify in cases where their impartiality might reasonably be questioned in accordance with Section E(1) of the Canon. To fulfill this obligation, judges must keep informed of potential family, personal, and economic conflicts that may affect decisions on disqualification.

These amendments, which are set forth in the attachment to this order, are effective immediately.

s/ John W. Kittredge C.J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

s/ Letitia H. Verdin J.

Columbia, South Carolina
June 4, 2026

The Commentary to Rule 3E(1), CJC, Rule 501, SCACR, is amended to provide:

Commentary:

Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge in accordance with the requirements in Section 3F.

There are circumstances where a judge should provide information to the parties regarding issues that do not mandate disqualification under Section 3E(1). A judge should disclose on the record all information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no real basis for disqualification. Disclosure on the record provides the parties with an opportunity to be fully informed and present additional information to the judge that may be relevant to the question of whether disqualification is required. In making a required disclosure, a judge should not inform the parties that the judge will disqualify him or herself upon request, but inform the parties that a motion is required, and the judge will consider the parties' arguments on the issue. A judge should rule on a motion for disqualification prior to addressing any substantive matters in the case.

By decisional law, the rule of necessity may override the rule of disqualification in rare circumstances. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In the latter case, the judge must disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable. If after reasonable efforts, the matter cannot be transferred, the judge

must state on the record that the matter cannot be transferred, and that the rule of necessity dictates the judge hear the matter.

Rule 3E(1)(d), CJC, Rule 501, SCACR, is amended to add new paragraph (v), which provides:

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

. . .

(d) the judge or the judge's spouse, or a person within the third degree of relationship* to either of them, or the spouse of such a person:

. . .

(v) in a criminal case, is directly involved in the arrest or prosecution in the pending matter or is employed in the office of the law enforcement or prosecuting agency and has supervisory or managerial authority over officers or prosecutors who may appear before the judge.

The Commentary to Rule 3E(1)(d), CJC, Rule 501, SCACR, is amended to add an additional paragraph, which provides:

Under the rule, disqualification by the judge is required when a judge's spouse, or a person within the third degree of relationship* to either the judge or the judge's spouse, or the spouse of such a person, is involved in a proceeding before the judge. In a criminal case, a judge must also disqualify him or herself from a proceeding in which a judge's spouse or a person within the third degree of relationship* to the judge or the judge's spouse, or the spouse of such a person, has supervisory authority in the office that appears before the judge. In those instances, the judge is disqualified from all proceedings involving that law enforcement or prosecutorial agency.

The Commentary to Rule 3F, CJC, Rule 501, SCACR, is amended to provide:

Commentary:

A remittal procedure provides the parties an opportunity to proceed without delay if they wish to waive the disqualification. To assure that consideration of the question of remittal is made independently of the judge, a judge must not solicit, seek or hear comment on possible remittal or waiver of the disqualification unless the lawyers jointly propose remittal after consultation as provided in the rule. A party may act through counsel if counsel represents on the record that the party has been consulted and consents. As a practical matter, a judge may wish to have all parties and their lawyers sign the remittal agreement. Remittal should not be a routine procedure, and a judge should only ask the parties and their lawyers to consider remittal when the parties and their lawyers express a desire to proceed. To ensure that the parties fully understand the nature of the disqualification, the judge should fully communicate all information the parties might consider relevant to the issue of disqualification. A judge should use caution in utilizing the procedure because not all disqualifications should be remitted.

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2026, I served a true and correct copy of the foregoing Notice of Appeal AND MOTION TO RECONSIDER upon Respondent and upon the Clerk of the Court of Common Pleas, Georgetown County, South Carolina, by depositing copies in the United States Mail, first-class postage prepaid, addressed to:

Eric James Adamczyk
1692 South Morgan Avenue
Andrews, SC 29510

And upon:

Clerk of Court
Georgetown County Court of Common Pleas
Georgetown, South Carolina 29440



Mohamad Haisam Kodaimati
Appellant, Pro Se

Dated: June 5, 2026

RECEIVED
JUN 15 2026
SC Court of Appeals

K. Mohamed Kadamati
3034 Seward Creek Rd.
Huger, SC 29450

RECEIVED

JUN 15 2026
SC Court of Appeals

South Carolina Court of Appeals
Clerk's office
P.O. Box 11629
Columbia, SC 29211