

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman
Circuit Court Judge

Appellate Case No. 2025-002352

Samuel Tucker Collins, Jr.,

Appellant,

v.

West Palmetto Holdings, LLC,

Respondent,

RESPONDENT'S INITIAL BRIEF

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SC Court of Appeals

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STATEMENT OF ISSUE ON APPEAL

- I.** Whether Appellant’s reliance on the \$7,500 jurisdictional limitation in S.C. Code Ann. § 22-3-10(2) is misplaced because the underlying action concerned possession of land rather than a claim for damages.
- II.** Whether Rule 18, SCRMC, required the Circuit Court to conduct a new trial de novo rather than review the magistrate’s return, record, proceedings, and testimony.
- III.** Whether Appellant preserved the additional theories presented in his appellate brief on the same grounds now asserted.

STATEMENT OF THE CASE

This appeal arises from an ejectment proceeding concerning the property located at 2398 Hotel Street, Alcolu, South Carolina. The magistrate granted possession to Respondent after considering evidence that included a tax deed and a quitclaim deed. Appellant appealed to the Clarendon County Court of Common Pleas. (Tr. pp. 7–9.)

The Circuit Court conducted a hearing on May 30, 2025. Appellant repeatedly invoked what he called “exclusive equity jurisdiction,” asserted that he was acting as a trustee, and argued that the magistrate lacked jurisdiction. The Circuit Court reviewed the magistrate’s return and the underlying court record, found no legal basis for disturbing the judgment, and denied the appeal. (Tr. pp. 3–19, 26–27.)

On October 23, 2025, a Form 4 judgment was filed affirming the magistrate-court judgment. The Form 4 states: “Appeal denied. Judgment affirmed.” It further provides that the judgment ends the case and that Respondent may request a writ of possession after entry of judgment. This appeal follows.

STATEMENT OF THE FACTS

The magistrate’s return, as read into the record by the Circuit Court, reflected that Respondent’s predecessor acquired the property through a tax sale and later conveyed the property

to Respondent. Respondent presented the tax deed and quitclaim deed supporting its right to possession. The magistrate found that Appellant had not produced evidence of payment of the delinquent taxes, redemption, or ownership sufficient to defeat Respondent's claim for possession. (Tr. pp. 7–9.)

At the Circuit Court hearing, Appellant did not identify evidence of redemption or a competing recorded conveyance. Instead, he relied principally on generalized invocations of equity, subrogation, trust status, and alleged obligations arising from unanswered documents he had sent to the courts and opposing counsel. (Tr. pp. 3–6, 11–19.) The Circuit Court reviewed the record and rejected those arguments as grounds for reversing the magistrate's judgment. (Tr. pp. 16–19, 26–27.)

ARGUMENTS

I. STANDARD OF REVIEW

This appeal is before the Court of Appeals from a Circuit Court order affirming a magistrate court ejectment judgment. Questions of law, including issues concerning subject matter jurisdiction and statutory interpretation, are reviewed de novo.

Rule 18, *South Carolina Rules of Magistrates Court*, governs appeals from magistrates' courts. The Rule requires the appellant to identify the grounds for appeal and requires the magistrate to file a return consisting of the record, a statement of proceedings, and testimony when necessary. Rule 18(a)-(b), *South Carolina Rules of Magistrates Court*. The Rule does not state that every appeal from magistrate court requires a new evidentiary trial or trial de novo.

When reviewing a Circuit Court affirmance of a magistrate court judgment, the Court of Appeals presumes the affirmance was made on the merits where the testimony is sufficient to sustain the magistrate's judgment and there are no facts demonstrating that the affirmance was controlled or affected by an error of law. *Burns v. Wannamaker*, 281 S.C. 353, 357, 315 S.E.2d

179, 182 (Ct. App. 1984) (citing *Bagnal v. Southern Express Co.*, 106 S.C. 395, 400, 91 S.E. 334, 335-36 (1917), and *Stanford v. Cudd*, 93 S.C. 367, 369-70, 76 S.E. 986, 986-87 (1913)).

As the Supreme Court explained in *Stanford*: “In obedience to the statute, the Circuit Court might have concluded that the magistrate erred in certain rulings, but nevertheless have determined on the merits that the plaintiff was entitled to judgment; and where there is evidence supporting that conclusion, and the reviewing court cannot say the judgment was affected or controlled by an error of law, the judgment must be affirmed.” *Stanford v. Cudd*, 93 S.C. 367, 369-70, 76 S.E. 986, 986-87 (1913).

The Court of Appeals is further limited to issues properly preserved below. An issue may not be raised for the first time on appeal. *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). Likewise, while a party need not use the exact name of a legal doctrine to preserve an argument, the argument must have been presented on the same ground below, and a party may not argue one ground at trial and another ground on appeal. *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003).

Accordingly, the dispositive questions before this Court are whether the record contains evidence sufficient to support the magistrate's judgment and whether Appellant has demonstrated that the Circuit Court's affirmance was controlled or affected by an error of law. Absent such a showing, the judgment should be affirmed.

II. THE \$7,500 LIMITATION IN S.C. CODE ANN. 22-3-10(2) DID NOT DEPRIVE THE MAGISTRATE OF JURISDICTION OVER THE POSSESSION ACTION.

Appellant's principal jurisdictional argument is that the property or the underlying transaction exceeded \$7,500. He relies on S.C. Code Ann. § 22-3-10(2). That subsection grants

magistrates concurrent jurisdiction “in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed seven thousand five hundred dollars.” S.C. Code Ann. § 22-3-10(2).

The statutory language concerns the amount of damages claimed. It does not measure jurisdiction according to the market value of real property, the amount paid at a tax sale, or the monetary value of a deed. The statute separately grants magistrates jurisdiction “in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27.” S.C. Code Ann. § 22-3-10(10).

The proceeding before the magistrate sought possession. Respondent presented recorded instruments supporting its right to possession, and the magistrate granted ejectment. (Tr. pp. 7–9.) Accordingly, the amount allegedly paid for the property did not transform the possession action into an action for damages under subsection (2). Appellant’s argument conflates the value of the property with the amount of damages claimed in a civil action.

III. RULE 18, SCRMC, DID NOT REQUIRE THE CIRCUIT COURT TO CONDUCT A NEW TRIAL DE NOVO.

Appellant asserts that Rule 18(b), South Carolina Rules of Magistrates Court, required the Circuit Court to conduct a new trial de novo. The rule does not state that requirement. Rule 18(a) requires an appellant to file a notice containing the grounds for appeal. Rule 18(b) requires the magistrate to file a return with the Circuit Court consisting of the record, a statement of proceedings, and testimony when necessary.

That is what occurred here. The magistrate filed a return. The Circuit Court reviewed that return, the documents accompanying it, and Appellant’s filings. (Tr. pp. 6–19.) Appellant’s claim

that the Circuit Court was required to receive new evidence and conduct an entirely new trial is not supported by the text of Rule 18.

IV. THE CIRCUIT COURT ADDRESSED THE JURISDICTIONAL OBJECTION AND REJECTED IT.

Appellant argued that the \$7,500 limitation deprived the magistrate of jurisdiction. The Circuit Court heard that contention, reviewed the magistrate's return, found the return complete, and stated that it found no legal basis to remand the matter. It ultimately denied and dismissed the appeal. (Tr. pp. 11–19, 26–27.)

The Form 4 judgment expressly affirmed the magistrate-court judgment and denied the appeal. The court was not required to accept Appellant's jurisdictional theory merely because it was raised. Its decision to affirm rejected the grounds on which Appellant sought reversal.

V. ISSUES PRESENTED ON DIFFERENT OR MORE SPECIFIC GROUNDS IN THE APPELLATE BRIEF ARE NOT PRESERVED.

An issue may not be raised for the first time on appeal. *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). Further, while the precise name of a doctrine need not be used below, the substance of the argument must have been presented on the same ground. A party may not argue one ground below and an alternate ground on appeal. *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003).

Appellant raised generalized references to equity, jurisdiction, subrogation, and trustee status during the Circuit Court hearing. His appellate brief expands those references into claims involving constructive trust, accounting, clean hands, a statutory supersedeas bond, fiduciary representation, judicial partiality, and a requested remand to a different judge sitting as a

“Chancellor in Equity.” To the extent those appellate theories differ from the grounds distinctly argued below, they are not preserved under *Wilder* and *Dunbar*.

CONCLUSION

The record establishes that Respondent obtained a magistrate-court judgment awarding possession, that the Circuit Court reviewed the magistrate’s return and the parties’ arguments, and that the Circuit Court affirmed the judgment.

Appellant has not established that the \$7,500 damages limitation in S.C. Code Ann. § 22-3-10(2) applied to this possession action. Nor has he shown that Rule 18 required the Circuit Court to conduct a new trial de novo.

For these reasons, Respondent respectfully requests that this Court affirm the Circuit Court’s judgment and deny the relief requested by Appellant.

RESPECTFULLY SUBMITTED,

Dated: September 25, 2026

/s/J. Martin Page

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