

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM THE MAGISTRATE COURT OF DORCHESTER COUNTY

The Honorable Tera S. Richardson, Chief Magistrate

Case No. 2026CV1810302352
Appellate Case No.: 2026-CP-18-1219

Jennifer Di Gennaro Cowan.....Appellant

vs.

MJ Holdings SC, LLC..... Respondent

ORDER OF DISMISSAL

PROCEDURAL BACKGROUND

Respondent filed an Application for Notice to Quit Premises (Trespass) on April 22, 2026. Subsequently a Notice to Quit Premises was ordered on April 23, 2026, with five (5) days' notice to show cause as to why Appellant should not be ejected. Appellant failed to show cause or otherwise respond concerning the Notice to Quit Premises. On May 6, 2026, Chief Magistrate Judge Tera S. Richardson rendered judgment in favor of Respondent and issued a Writ of Ejectment. Appellant's Notice of Civil Appeal, filed May 12, 2026, timely followed. On June 11,

2026, Respondent filed its Motion to Dismiss and Memorandum in Support of its Motion to Dismiss.

RESPONDENT'S MOTION TO DISMISS

This matter was scheduled before the Court on August 12, 2026, pursuant to Respondent's Motion to Dismiss. At the call of the case, Respondent appeared with his attorney, Chad D. Shelton, Esq., while Appellant, proceeding *pro se*, failed to appear. The Dorchester County Clerk's Office provided Appellant with notice of the hearing on July 10, 2026, July 24, 2026, and August 3, 2026. Nonetheless, approximately two hours before the scheduled hearing, Appellant requested the in-person hearing be conducted virtually, or alternatively, be continued. Appellant based her request for a virtual hearing on purported health complications affecting her ability to walk due to swelling in her legs, ankles, and feet. The email communication was without any corroborating medical reports or Dr.'s statements. Pursuant to the short notice of Appellant's request and the Court's full docket that afternoon, the Court declined to conduct the hearing virtually. Additionally, Respondent objected to Appellant's request and did not consent to a continuance. Hence, Appellant was informed that the hearing would proceed in-person as scheduled.

On June 11, 2026, Respondent filed its Motion to Dismiss and Memorandum in Support along with various exhibits. Appellant did not file a Memorandum in Opposition or otherwise respond to Respondent's Motion to Dismiss.

After consideration of the filings, the arguments of counsel, and the applicable law, the Court finds and concludes as set forth below.

STANDARD OF REVIEW

Under Rule 18(a) of the South Carolina Rules of Magistrates Court ("SCRMC"), "[a]ll appeals of judgments rendered by the magistrates court shall be to the circuit court of the county

where the judgment was rendered” and the appellant must “file a notice of appeal containing a statement of the grounds for appeal” within thirty days. Rule 18(a), SCRMC. Consistent with Rule 18(a), Section 18-7-10 of the South Carolina Code likewise provides that appeals from judgments rendered by a magistrate court “shall be to the circuit court of the county wherein the judgment was rendered.” S.C. Code Ann. § 18-7-10. Additionally, Section 14-5-340 authorizes circuit judges to “hear appeals from magistrates’ courts...upon notice as required by law.” S.C. Code Ann. § 14-5-340. On appeal from the magistrates’ court, the circuit court “may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.” S.C. Code Ann. § 18-7-170.

Under Section 18-7-30, “[i]n the notice of appeal the appellant shall state in what particular or particulars he claims the judgment should have been more favorable to him. If he claims that the amount of judgment is less favorable to him than it should have been, he shall state what should have been its amount.” Furthermore, Section 18-7-150 provides:

If (a) the appellant failed to appear before the magistrate, (b) it is shown by the affidavits served by the appellant, or otherwise, that manifest injustice has been done and (c) the appellant satisfactorily excuses his default, the court may, in its discretion, set aside or suspend judgment and order a new trial before the same or any other magistrate in the same county at such time and place and on such terms as the court may deem proper. When a new trial shall be ordered before a magistrate the parties must appear before him according to the order of the court and the same proceedings must thereupon be had in the action as on the return of a summons personally served.

S.C. Code Ann. § 18-7-150.

DISCUSSION

The subject matter herein involves real property owned and leased by Respondent MJ Holdings SC, LLC, located at 129 Alicia Drive, Summerville, Dorchester County, South Carolina (hereinafter the “Premises”). This averment was set forth in Respondent’s initial filing and remains uncontroverted by Appellant. Respondent entered into a Monthly Rental Agreement for the

Premises with Tommie Schmidt ("Lessee"). Thereafter, Lessee indicated that he was no longer residing at the Premises, and his last rental payment to Respondent was made in February 2026.

Appellant never entered into a lease agreement with Respondent for the Premises and never paid rent to Respondent. Accordingly, on April 22, 2026, Respondent filed an Application for Notice to Quit Premises, supported by affidavit that represented Appellant was trespassing and occupying the Premises without the owner's permission. Subsequently, a Notice to Quit Premises was ordered on April 23, 2026, affording Appellant five (5) days' notice to show cause as to why she should not be ejected from the Premises. Appellant failed to show cause or otherwise respond to the Notice to Quit Premises. On May 6, 2026, Chief Magistrate Judge Tera S. Richardson entered judgment and issued a Writ of Ejectment. Appellant thereafter filed a Notice of Appeal on May 12, 2026. However, Appellant has not articulated a cognizable ground for appeal. Therefore, Respondent's Motion to Dismiss is **GRANTED** and this matter is hereby **REMANDED** to the Dorchester County Magistrate's Court for further proceedings.

AND IT IS SO ORDERED!

The Honorable Diane S. Goodstein
Circuit Court Judge

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RESPONDENTS' MOTION TO DISMISS

Respondents herein, by and through their undersigned counsel, hereby move this Honorable Court to dismiss Appellant's appeal for failure to state an appealable issue from the Order of the Magistrate's Court dated May 6, 2026.

This motion is supported by Respondents' Memorandum In Support of Respondents' Motion To Dismiss and accompanying exhibits filed and served contemporaneously herewith.

Respectfully submitted,

/s/ Chad D. Shelton
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Moncks Corner, SC
June 11, 2026

Other party of Record:

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