

RECEIVED

Oct 02 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Hon. Dale E. Van Slambrook, Circuit Court Judge

Case No. 2026-CP-08-03103

Appellate Case No. 2026-002069

Joshua D. Thomas,

Respondent,

v.

Viola S. Garnett,

Appellant.

MOTION TO DISMISS

COMES NOW Respondent, Joshua D. Thomas, by and through undersigned counsel, and respectfully moves this Court pursuant to Rules 220 and 269, SCACR, to dismiss the appeal filed by Appellant Viola S. Garnett.

As grounds for this Motion, Respondent states:

1. Appellant lacks standing to challenge the Statement of Judgment of the Berkeley County Court of Common Pleas ("Circuit Court") because it merely enforces Appellant's failure to comply with the Bond and Order to Stay Execution on Appeal

in the Magistrate's Court of the County of Berkeley, Moncks Corner Magistrate ("Magistrate's Court"); Case No. 2026CV0810400639.

2. The appeal is frivolous under Rule 269, SCACR, as it seeks to collaterally attack a final judgment through an appeal of its ministerial enforcement and serves solely to delay enforcement of a valid court order.

WHEREFORE, Respondent respectfully prays this Court dismiss Appellant's appeal, order the Sheriff of Berkeley County to immediately execute the Writ of Ejectment originally issued by the Magistrate's Court for Appellant's failure to comply with the Magistrate's Court Bond and Order to Stay Execution on Appeal, as seen in the Circuit Court's Statement of Judgment, impose sanctions under Rule 269, SCACR, to avoid such delay and to discourage like conduct in the future, and award such other relief as the Court deems just and proper.

This Motion is supported by a separate Memorandum filed contemporaneously herewith.

Respectfully submitted,

FRANKLIN LEGAL SOLUTIONS, LLC

s/Landon L. Brock

Landon L. Brock, Esq. (SC Bar #104940)

P.O. Box 51468

Summerville, SC 29485

Phone: (843) 619-0227

Fax: (843) 808-6994

Email: landon@franklinlegalsolutions.com

Attorneys for Respondent

Summerville, South Carolina
October 2, 2026

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM BERKELEY COUNTY
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The Hon. Dale E. Van Slambrook, Circuit Court Judge

Case No. 2026-CP-08-03103

Appellate Case No. 2026-002069

Joshua D. Thomas,

Respondent,

v.

Viola S. Garnett,

Appellant.

RESPONDENT'S MEMORANDUM IN SUPPORT OF HIS MOTION TO DISMISS

COMES NOW Respondent, Joshua D. Thomas ("Respondent"), by and through undersigned counsel, and respectfully submits this Memorandum in support of his Motion to Dismiss filed contemporaneously herewith.

PROCEDURAL HISTORY

A Judgment of Execution was issued by the Magistrate's Court against the Appellant Viola S. Garnett ("Appellant"), and for the Respondent on August 17, 2026, seeking ejectment from real property located at 105 Meadowvale Lane, Moncks Corner, SC 29461 (the

“Property”). Appellant was properly served the Writ of Ejectment on August 18, 2026, by the Berkeley County Sheriff’s Office. The Writ of Ejectment is attached hereto as Exhibit “A”.

The Appellant timely appealed the Judgment of Execution by filing a Notice of Civil Appeal and Motion of Appeal with the Circuit Court on August 19, 2026. Case No.: 2026CP0803103. The Notice of Civil Appeal and Motion of Appeal are attached hereto as Exhibit “B”.

While the action on appeal in the Circuit Court was pending, on August 31, 2026, the Appellant and the Magistrate’s Court executed a Bond to Stay Execution on Appeal whereby the Magistrate Court ordered Judgment of Execution to be stayed until Case No.: 2026CP0803103 was heard on appeal and decided by the Circuit Court. The Order Staying Execution reads, in part, “[i]f [Appellant] fails to make any rental payment within five days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the [Appellant] to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the [Appellant].” The Bond and Order to Stay Execution on Appeal is attached hereto as Exhibit “C”.

On September 9, 2026, after application by the Respondent, a Show Cause hearing was held in the Magistrate’s Court due to nonpayment of rent by the Appellant to Respondent as required by the Bond and Order to Stay Execution on Appeal. After conclusion of the Show Cause hearing, the Magistrate’s Court filed a Request For Dismissal with the Circuit Court requesting the appeal for eviction in Circuit Court, Case No.: 2026CP0803103, be dismissed. The Request For Dismissal reads, in part, “[t]he [Appellant] failed to pay rent when due per Bond to Stay Order dated August 31, 2026. A Show Cause hearing was held September 9, 2026, due to nonpayment of rent.” The Request for Dismissal is attached hereto as Exhibit “D”.

Subsequently, on September 16, 2026, the Circuit Court issued a Form 4 Statement of Judgment that reads, in part, “Appellant failed to comply with the Bond to Stay. Magistrate filed a request for Dismissal on 09/09/2026. Therefore, this matter is hereby DISMISSED.” The Form 4 Statement of Judgment is attached hereto as Exhibit “E”.

Thereafter, on September 18, 2026, Appellant filed her Notice of Appeal – Initial; Motion to Waive Costs and Motion to Stay/Supersedeas with this Honorable Court.

ARGUMENT

I. ALTHOUGH THE STATEMENT OF JUDGMENT IS A FINAL JUDGMENT, IT SUPPORTS A MINISTERIAL ACT AND IS THEREFORE NOT AN INDEPENDENTLY APPEALABLE ORDER

Rule 201, SCACR, permits an aggrieved party to appeal any final judgment, appealable order or decision. South Carolina appellate courts lack jurisdiction over ministerial enforcement orders that merely implement existing judgments because such orders are non-discretionary and are merely an extension of the final judgment, and not independently appealable orders.

S.C. Code Ann. § 27-37-100 provides that writs of ejectment shall be issued following judgment – this is mandatory ministerial action implementing the judgment, not a discretionary order subject to appellate review. S.C. Code Ann. § 15-39-20 confirms that “writs of execution for the enforcement of” judgments are process implementing final judgments, not substantive orders creating new rights or obligations. Here, the Circuit Court’s Statement of Judgment is merely an extension of the mandatory ministerial action implementing the Magistrate Court’s Judgment of Execution and is not a discretionary order subject to appellate review.

II. THE APPEAL IS FRIVOLOUS UNDER RULE 269, SCACR, AND WARRANTS SANCTIONS.

Rule 269 of the South Carolina Appellate Court Rules states:

Where an appeal, petition, or motion or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, **impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require**. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous.

Rule 269 SCACR (emphasis added).

Respondent argues the above shows that not only should Appellant's appeal be dismissed, but Appellant **knows** her appeal is improper and the only purpose for Appellant to file this appeal in light of that knowledge, was for the purpose of delaying payment of rent to the Respondent.

This appeal meets both objective and subjective standards for frivolous conduct. Objectively, any reasonable attorney would recognize that challenging a final judgment supporting a ministerial enforcement order lacks arguable basis in law. Subjectively, filing this appeal after the judgment became final serves solely dilatory purposes.

S.C. Code Ann. § 15-36-10 defines frivolous conduct as claims that are "clearly not warranted under existing law" or "interposed merely for delay." Appellant's appeal fits both criteria: South Carolina law provides no mechanism for appealing enforcement orders and the Appellant continuing to delay payment of rent to the Respondent demonstrates dilatory intent.

REQUEST FOR SANCTIONS

Pursuant to SCACR 269, Respondent respectfully requests this Court impose sanctions against Appellant for filing a frivolous appeal, including reasonable attorney's fees incurred in defendant against this dilatory appeal. Appellant's conduct demonstrates a pattern of delay tactics designed to avoid compliance with court orders and ignoring judicial directives.

CONCLUSION

Appellant's appeal fails on multiple independent grounds requiring dismissal. Her appeal serves solely dilatory purposes warranting sanctions, judicial estoppel prevents her inconsistent positions, res judicata protects the final judgment from collateral attack, and this Court lacks jurisdiction over ministerial enforcement orders.

The procedural nature, posture and timeline demonstrate the frivolous nature of this appeal. This delay, combined with challenging enforcement rather than the underlying judgment, exemplifies abusive litigation tactics that South Carolina law prevents.

WHEREFORE, Respondent respectfully prays this Court dismiss Appellant's appeal, order the Sheriff of Berkeley County to immediately execute the Writ of Ejectment originally issued by the Magistrate's Court for Appellant's failure to comply with the Magistrate's Court Bond and Order to Stay Execution on Appeal, as seen in the Circuit Court's Statement of Judgment, impose sanctions under Rule 269, SCACR, to avoid such delay and to discourage like conduct in the future, and award such other relief as the Court deems just and proper.

Respectfully submitted,

FRANKLIN LEGAL SOLUTIONS, LLC

s/Landon L. Brock

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Fax: (843) 808-6994

Email: landon@franklinlegalsolutions.com

Attorneys for Respondent

Summerville, South Carolina

October 2, 2026

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

2026CV0810400639
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Joshua D Thomas
699 Redbud Lane
Summerville, SC 29486
(843) 364-2138

PLAINTIFF(S)

Vs

Viola Shantell Garnett
105 Meadowvale Lane
Moncks Corner, SC 29461

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the , you are hereby Ordered to proceed to the premises located at
105 Meadowvale Lane

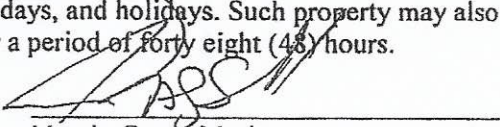
Moncks Corner, SC 29461.

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

August 17, 2026


Moncks Corner Magistrate

_____, being duly sworn state that:

☐ I personally served a copy of this Writ on _____, an occupant of the rental unit

☒ On 8-18 2026, at 1508 the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.

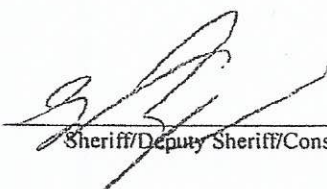
☐ On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.

☐ Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.

☐ The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.

☐ Informed by Plaintiff that case is settled.

Date: _____, 20____



Sheriff/Deputy Sheriff/Constable

Certified True Records
In The Summary Court of Berkeley County
Moncks Corner, SC

Clerk's Name/Initials J. Weatherford

Dated: Sept 18, 2026

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

2026CV0810400639
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Joshua D Thomas
699 Redbud Lane
Summerville, SC 29486
(843) 364-2138

PLAINTIFF(S)

Vs

Viola Shantell Garnett
105 Meadowvale Lane
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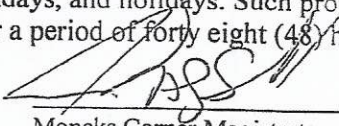
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August 17, 2026


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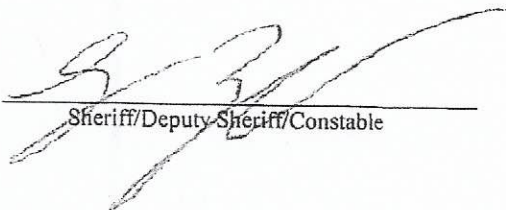
☐ On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.

☐ Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.

☐ The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.

☐ Informed by Plaintiff that case is settled.

Date: _____, 20____


Sheriff/Deputy Sheriff/Constable

Certified True Records
In The Summary Court of Berkeley County
Moncks Corner, SC

Clerk's Name/Initials J Weatherford

Dated: August 19, 2026



SOUTH CAROLINA
JUDICIAL BRANCH

State of South Carolina

In the Court of Common Pleas

County of: Berkeley 9th Judicial Circuit

Plaintiff(s): Viola Garnett

Case No. 2026-CP-08-03103

v.

Defendant(s): Joshua Thomas

2026 AUG 19 AM 9:30
LEAH GUERRY JOHNSON
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

Civil Action Coversheet

Submitted By:

Viola Garnett

Address:

105 Meadow Vale Ln Moncks Corner SC 29461

SC Bar Number:

Telephone #:

843460-8591

Fax #:

Other:

Email:

Mail (VB)

SPM



NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

Docketing Information (Check all that apply)

****If Action is Judgment/Settlement do not complete***

☐ **Jury Trial** demanded in complaint.

☐ **Non-Jury Trial** demanded in complaint.

☐ This case is subject to **Arbitration** pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☐ This case is subject to **Mediation** pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☐ This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting
Party Signature:

Viola Grannett

Date:

8-19-26



Nature of Action (Check one box below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/Warranty (160)
- ☐ Employment Discrimination (170)
- ☐ Employment (180)
- ☐ Other (199)

Torts- Professional Malpractice

- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Notice of Intent Case No. [Fill in Notice of Intent Case Number]

-
- ☐ Notice File. Med Mal (230)
 - ☐ Other (299)

Torts- Personal Injury

- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399)

Inmate Petitions

- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Application Payment Rights (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799)



Administrative Law/Relief

- ☐ Reinstatement Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture- Petition (840)
- ☐ Forfeiture- Consent Order (850)
- ☐ Other (899)

Special/Complex/Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out of County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)
- ☐ Other (699)

Appeals

- ☐ Arbitration (900)
- ☒ Magistrate- Civil (910)
- ☐ Magistrate- Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Service Comm. (991)
- ☐ Other (999)

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

Supreme Court Rules Require the Submission of all Civil Cases to an Alternative Dispute Resolution Process, Unless Otherwise Exempt.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.



**SOUTH CAROLINA
JUDICIAL BRANCH**

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

Viola Garnett
Plaintiff

VS
Joshua Thomas
Defendant

20 26-CP-08-03103

FILED
2026 AUG 19 AM 9:30
LEAH GUENEEV
CLERK OF COURT
BERKELEY COUNTY, SC

I Viola Garnett was in a bad 18 wheeler accident and lost my job and wasn't able to pay my rent for me and my child. I would like for you to give me more time to pay my rent cause me and my daughter can have a roll over our head. I promise to pay my rent I am still under doctors care and still waiting to be released. Thank you for your compassion.

Thank you
Viola Garnett

cc: V.S.B.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

2026CV0810400639
CIVIL CASE NUMBER
MAGISTRATE'S COURT

BOND TO STAY EXECUTION ON APPEAL

Joshua D Thomas
699 Redbud Lane
Summerville, SC 29486
(843) 364-2138

LANDLORD

Vs
Viola Shantell Garnett
105 Meadowvale Lane
Moncks Corner, SC 29461

TENANT(S)

TO: Circuit Court

Now comes the Tenant(s) in the above-entitled action and respectfully shows the Court that a Judgment of Execution was issued against the Tenant(s) and for the Landlord on **August 17, 2026**, by the Magistrate. Tenant(s) has appealed the Judgment to the Circuit Court.

Pursuant to the findings of the Magistrate, the Tenant(s) is obligated to pay rent in the amount of \$ 2300⁰⁰ per month due on the 1st day of each month starting Sept 1 2026. Payments are to be made by cash, cashier's check or money order to Joshua Thomas located at 699 Redbud Ln. Summerville SC 29486

Tenant(s) hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the Court and moves the Circuit Court to stay execution on the Judgment for Ejectment until this matter is heard on appeal and decided by the Circuit Court.

Bond: \$ 6900⁰⁰ due within five (5) days of today's date. Rent in the amount of \$ 2300⁰⁰ is due on the 1st day of the month and is late after the 5th day of the month. All monies are due via certified funds until the appeal is resolved. All litigants must comply with the Bond to Stay until the appeal is resolved.

Dated on August 31, 2026: [Signature] Tenant(s)

Upon execution of the above bond, execution on the Judgment of Ejectment is hereby stayed until the action is heard on appeal and decided by the Circuit Court. If Tenant(s) fails to make any rental payment within five days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant(s) to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the Tenant(s).

Dated on August 31, 2026: [Signature] JUDGE

Moncks Corner Magistrate
223 N. Live Oak Drive
P. O. Box 6122
Moncks Corner, SC 29461
Phone: (843) 719-5043 Fax: (843) 719-4528
MV125 / SCCA657 (Revised 12/2024)

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

Joshua Thomas

 V_S

Viola Garnett

IN THE MAGISTRATE'S COURT
CASE NUMBER: 2026CV0810400639
2026CP0803103

REQUEST FOR DISMISSAL

THIS COURT requests the above-mentioned appeal for eviction be dismissed from Circuit Court. The defendant failed to pay rent when due per **Bond to Stay Order** dated **August 31, 2026**. A Show Cause hearing was held **September 9, 2026**, due to nonpayment of rent. Please see attached letter from the plaintiff.

Respectfully submitted,

This 09th day of September, 2026

Moncks Corner, South Carolina

Paula McElwogue
Judge

Judge

VERIFICATION / AFFIDAVIT OF NON-PAYMENT

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

PERSONALLY appeared before me the undersigned, who, being duly sworn, deposes and says that Plaintiff is the Landlord/Property Owner in Civil Case No. 2026CV0810400639; that Plaintiff has read the foregoing Application; and that Defendant Viola Shantell Garnett has failed to make the required payments of \$6,900.00 and \$2,300.00 due under the August 31, 2026 Order Staying Execution within five days of the due dates, and remains in default as of this date.

Joshua D. Thomas



SWORN to and subscribed before me
this 9 day of September, 2026.

Notary Public for South Carolina

My Commission Expires: May 4, 2031

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP0803103

Viola Shantell Garnett et al
PLAINTIFF(S)

Joshua D. Thomas
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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☒ Other **DISMISSED**
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ 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:

Appellant filed an appeal on 08/19/2026. Appellant failed to comply with the Bond to Stay. Magistrate filed a request for Dismissal on 09/09/2026. Therefore, this matter is hereby DISMISSED.

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 09/16/2026

Magistrate Court Moncks Corner
Viola Shantell Garnett for Viola Shantell Garnett
Joshua D. Thomas for Joshua D. Thomas
Joshua D. Thomas for Joshua D. Thomas
Viola Shantell Garnett for Viola Shantell Garnett

RECEIVED
SEP 18 2026
SC Court of Appeals

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.



Berkeley Common Pleas

Case Caption: Viola Shantell Garnett VS Joshua D. Thomas
Case Number: 2026CP0803103
Type: Order/Electronic Form 4

And It Is So Ordered!

s/Dale E. Van Slambrook S.C.
Circuit Court Judge #2781

RECEIVED

Oct 02 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Hon. Dale E. Van Slambrook, Circuit Court Judge

Case No. 2026-CP-08-03103

Appellate Case No. 2026-002069

Joshua D. Thomas,

Respondent,

v.

Viola S. Garnett,

Appellant.

PROOF OF SERVICE

I certify that on October 2, 2026, I have served the *Motion to Dismiss and Memorandum in Support of Motion to Dismiss* on Appellant Viola S. Garnett, by depositing same in the United States Mail, in an envelope with sufficient postage affixed, and addressed as follows:

Viola S. Garnett
105 Meadowvale Ln.
Moncks Corner, SC 29461

s/Landon L. Brock
Landon L. Brock, Esq. (SC Bar #104940)
P.O. Box 51468
Summerville, SC 29485
Phone: (843) 619-0227
Attorney for Respondent

October 2, 2026



Franklin Legal Solutions

10/2/2026

VIA Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Viola S. Garnett v. Joshua D. Thomas
Appellate Case No. 2026-002069

Dear Ms. Kitchings,

Enclosed please find the Respondents' *Motion to Dismiss and Memorandum in Support of Motion to Dismiss* for filing pursuant to Section(b)(2) of the South Carolina Supreme Court's Order, 2022-05-06-03. Pursuant to Section(c) of that order, a firm check for the filing fee of Fifty (\$50.00) Dollars will be placed in USPS and go out today with a copy of this correspondence.

If anything further is needed, please let me know.

With kind regards, I am

Sincerely,

Landon L. Brock, Esq.

Enclosures:
As Stated