



The South Carolina Court of Appeals

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December 22, 2014

The Honorable Beth Carrigg
205 E Main St Ste 146
Lexington SC 29072-3557

REMITTITUR

Re: Faye M. Mathis v. Chris Dorfler
Lower Court Case No. 2013CP3202259
Appellate Case No. 2013-002070

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Faye M. Mathis
Gene Stockholm, Esquire

The South Carolina Court of Appeals

Faye M. Mathis, Appellant,

v.

Chris Dorfler, Respondent.

Appellate Case No. 2013-002070

ORDER

Respondent filed a Motion to Dismiss, arguing Appellant did not file the necessary documents with this court, Appellant did not serve Respondent with copies of documents she filed, Appellant is using this appeal as a stall tactic, and Appellant has not paid rent in over two years. Respondent also asks that Appellant post a bond if this appeal is allowed to continue.

Initially, it should be noted that pursuant to S.C. Code Ann § 27-40-800(f) (2007), "Upon appeal to the . . . court of appeals, it is sufficient to stay execution of a judgment for ejection that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered." There is no indication that this has occurred. As such, the writ of ejection is not stayed. *See* Rule 241, SCACR (stating the notice of appeal acts as a stay in civil cases, but ejection orders are not stayed).

Additionally, Respondent's motion is granted because Appellant has not corrected the deficiencies listed in this court's letter dated September 16, 2014. *See* Rule 260, SCACR (stating an appeal can be dismissed for failure to comply with the South Carolina Appellate Court Rules).



FOR THE COURT

FILED
12/2/14

Columbia, South Carolina

cc:

Faye M. Mathis

Gene Stockholm, Esquire