



# The South Carolina Court of Appeals

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February 18, 2015

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Re: Derick Ward v. Margaret Ashbaugh  
Appellate Case No. 2013-001622

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is stylized and includes a large flourish at the end.

CLERK

cc: The Honorable R. Knox McMahon

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Derick Ward, Appellant,

v.

Margaret H. Ashbaugh, Respondent.

Appellate Case No. 2013-001622

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Appeal From Florence County  
R. Knox McMahon, Circuit Court Judge

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Unpublished Opinion No. 2015-UP-077  
Submitted January 1, 2015 – Filed February 18, 2015

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**AFFIRMED**

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Adam Protheroe and David Elliott Tait, both of South  
Carolina Legal Services, of Florence, for Appellant.

Karl A. Folkens and Louis David Nettles, both of  
Folkens Law Firm, P.A., of Florence, for Respondent.

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**PER CURIAM:** Derick Ward appeals the circuit court's order affirming the magistrates court's issuance of a writ of ejectment, arguing the circuit court erred by: (1) finding the magistrates court had subject matter jurisdiction, (2) denying

him substantive due process, and (3) denying him procedural due process. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to Issue 1: S.C. Code Ann. § 22-3-10(11) (2007) ("Magistrates have concurrent civil jurisdiction in the following cases: . . . (11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of seven thousand five hundred dollars . . ."); *Brockbank v. Best Capital Corp.*, 341 S.C. 372, 379, 534 S.E.2d 688, 692 (2000) ("A mobile home usually is classified as personal property.").

2. As to Issues 2 and 3: *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) ("At a minimum, issue preservation requires that an issue be raised to and ruled upon by the [circuit court]."); *id.* ("Constitutional arguments are no exception to the preservation rules, and if not raised to the [circuit] court, the issues are deemed waived on appeal."); *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) ("If the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a motion to alter or amend the judgment in order to preserve the issue for appellate review.").

**AFFIRMED.**<sup>1</sup>

**WILLIAMS, GEATHERS, and McDONALD, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.