



Berkeley County Summary Courts

Magistrate Rad S. Deaton

303-B North Goose Creek Blvd., Goose Creek, South Carolina 29445

Phone (843) 553-7080 Fax (843) 553-7074

fax

TO: Court Of Appeals: Attention Shelby	FROM: Connie Mills
FAX: 803-734-1839	PAGES: 7, including cover
PHONE: 803-734-1890	DATE: July 9, 2015
RE: Noncompliance for Bond-to-Stay	CC:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

Appellate Case #2015-001124. Appellate, Laverne Skipper has failed to comply with the Bond-to-Stay that was ordered on March 16, 2015. A copy of the non-compliance letter was faxed to the Court of Common Pleas on July 8, 2015. Per Form 4 from the Court of Common Pleas, the appeal was dismissed on May 13, 2015 which affirmed the lower court decision.

Once you have reviewed this, can you please contact me regarding the Motion to Stay on the Appeal?

Thank you,

Connie Mills
Administrative Specialist



Berkeley County Summary Courts

Magistrate Rad S. Deaton

303-B North Goose Creek Blvd., Goose Creek, South Carolina 29445

Phone (843) 553-7080 Fax (843) 553-7074

July 7, 2015

To: Berkeley County Court of Court
C/O Jackie Williamson

From: Judge Rad S. Deaton

Re: Bond-To-Stay – Noncompliance
Laverne Skipper vs. Summerville Garden Apartments
Civil Case No.: 2015CV08106000921
Case No.: 2015-CP-08-00644

This letter is in reference to the above-mentioned case that is on appeal. Laverne Skipper had a Bond-to-Stay hearing on March 16, 2015. At the Bond to Stay hearing Ms. Skipper was required to pay back rent in the amount of \$1243.00 to be paid within five days and \$565.00 a month due on the 1st of each month. Ms. Skipper has failed to comply with the Bond-to-Stay in that she has failed to pay her rent on time. As of today's date, per letter from Summerville Garden Apartments, Ms. Skipper has not paid her rent in the amount of \$565.00 for the month of July 2015.

Attached is the letter from the landlord stating that the tenant, Ms. Laverne Skipper has failed to comply with the Bond-to-Stay agreement. Upon your receipt of this letter, this court requests that the appeal be dismissed on the grounds of "Failure to Meet Bond To Stay". According to §27-37-130: Bond required to stay ejectment on appeal.

"An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate."

Thanking you in advance for your assistance with this matter.

Sincerely,

Rad S. Deaton
Magistrate

Enclosures: Copy of Notice from Landlord

**Summerville Garden Apts.
340 Holiday Dr.
Summerville, SC 29483**

P: 843-771-0106

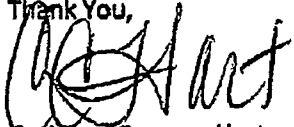
F:843-771-0107

July 7, 2015

Berkeley County Magistrate,

Regarding case # 2015CV0810600921, a bond to stay was issued on March 16, 2015 which states that while Laverne Skipper the defendant is appealing the Rule to Vacate granted on March 12, 2015 she must pay the rent of \$ 565.00 on time or forfeit the stay of executing the Writ of Possession . At this time Laverne Skipper has violated the Bond to stay, as of 7/7/2015 her rent payment has not been received; and this office formally requests that a Writ of Possession be granted.

Thank You,



GarNisea Coaxum Hart
Summerville Garden Apts
Site Manager

FILED

JUL 07 2015

BERKELEY COUNTY
SUMMARY COURT

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Summerville Garden Llc
340 Holiday Dr
Summerville, SC 29483

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the Court of the Goose
Creek Magistrate, located at 303-B North Goose Creek Blvd. Goose Creek, SC

29445 on March 16, 2015 at 11:00 AM to serve as a party in a Bench Trial in the case

of:

RE: Summerville Garden Llc

Vs Laverne Skipper

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2015CV0810600921, Rule to Vacate \$40.

HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.

Deane J. Boyd / Clerk
JUDGE

Goose Creek Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
Phone: (843) 553-7080 Fax: (843) 553-7074

March 12, 2015

FILED

JUN 07 2015

BERKELEY COUNTY
SUMMARY COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
)
)

2015CV0810600921
CIVIL CASE NUMBER
MAGISTRATE'S COURT

BOND TO STAY EXECUTION
ON APPEAL

Summerville Garden Lic
340 Holiday Dr
Summerville, SC 29483

LANDLORD

Vs

Laverne Skipper
340 Holiday Dr Apt 310
Summerville, SC 29483

TENANT(S)

TO: Circuit Court

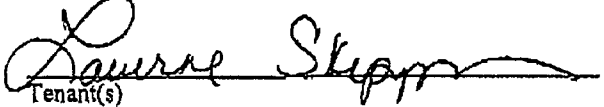
Now comes the Tenant(s) in the above entitled action and respectfully shows the Court that a Judgment of Execution was issued against the Tenant(s) and for the Landlord on March 12, 2015, by the Magistrate. Tenant(s) has appealed the Judgment to the Circuit Court.

Pursuant to the findings of the Magistrate, the Tenant(s) is obligated to pay rent in the amount of \$565.00 per month, due on the 1st day of each month.

Furthermore, a bond in the amount of \$1243.00, which may be undertaken by surety or certified funds shall be posted with the Plaintiff or the Court within five (5) days of March 16, 2015.

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 Ejection until this matter is heard on appeal and decided by the Circuit Court.

Dated on March 16, 2015:


Tenant(s)

Upon execution of the above bond, execution on the Judgment of Ejection 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 March 16, 2015


JUDGE

Berkeley County
Goose Creek Magistrate
303-B North Goose Creek Blvd.
Goose Creek, SC 29445
Phone: (843) 553-7080 Fax: (843) 553-7074
MV 125

FILED

MAR 07 2015

BERKELEY COUNTY
SUMMARY COURT

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-08-00644

Laverne Skipper

v.

Summerville Garden, LLC

APPELLANT

RESPONDENT

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- 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.

This case came before the Court during the May 11, 2015 common pleas non-jury term. This case came before the Court for an appeal from Magistrate's Court filed March 12, 2015. "Section 18-7-170 of the South Carolina Code (1985) articulates the standard of review to be applied by the Circuit Court in an appeal of a magistrate's judgment: Upon hearing the appeal, the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment, the 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." Bowers v. Thomas, 373 S.C. 240, 244, 644 S.E.2d 751, 753 (Ct. App. 2007). The Court, having found adequate evidentiary support in the record, no error of law, and finding no abuse of discretion, AFFIRMS the decision of the lower court.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

MAY 13 PM 4:15
 FILED
 DW

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
n/a		\$

FILED

MAY 07 2015

BERKELEY COUNTY
SUMMARY COURT

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If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]
Circuit Court Judge

2128
Judge Code

5/13/15
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20__ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20__ to attorneys of record or to parties (when appearing pro se) as follows:

Laverne Skipper, Pro Se

Summerville Garden, LLC
Carnisea Coaxum-Hart

APPELLANT

RESPONDENT

Mary P. Brown/DW
CLERK OF COURT

Court Reporter: Denise Lauder

FILED

MAY 07 2015

BERKELEY COUNTY
SUMMARY COURT