

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-46-02073

FILED-RECEIVED

PACES RIVER APARTMENTS

REGINALD EVANS

2015 SEP -2 PM 2:47

RESPONDENT

APPELLANT

PLAINTIFF(S)

DEFENDANT(S)

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

Submitted by: Thomas I. Howard, Jr./ Brownlee Law Firm, PLLC
SC Bar No. 101252
3255 Landmark Drive, Suite 101
N. Charleston, SC 29418

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

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. See Page 2 for additional information.
- 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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

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	n/a	
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

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SC Court of Appeals

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.

Spec *M. Kimball*
Circuit Court Judge

3063
Judge Code

9/1/15
Date

For Clerk of Court Office Use Only

This judgment was entered on **September 2, 2015**, and a copy mailed first class or placed in the appropriate attorney's box on **September 2, 2015**, to attorneys of record or to parties (when appearing pro se) as follows:

Reginald Evans 1805 Paces River Ave #03-0104 Rock Hill,
SC 29731

Thomas I Howard, Jr 3255 Landmark Drive, Ste
101, N. Charleston, SC 29418
Pace River Apartment 1817 Paces River Avenue Rock Hill,
SC 29732

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
 COUNTY OF YORK)
 2015 SEP -2 PM 2:51

FILED - RECEIVED
 IN THE COURT OF COMMON PLEAS
 FOR THE SIXTEENTH JUDICIAL CIRCUIT
 CASE NO: 2015-CP-46-02073

Reginald Evans,
 Appellant/Defendant,)
)
 v.)
)
 Paces River Apartments,)
)
 Respondent/Plaintiff.)

DAVID HAMILTON
 C.C.P. & G.S.
 YORK COUNTY, SC

**ORDER AFFIRMING JUDGMENT
 ON APPEAL FROM TRIAL COURT**

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SC Court of Appeals

This matter came before me on August 13, 2015, on an Appeal by Appellant/Defendant, Reginald Evans (hereinafter "Appellant"), from the Catawba/Ebenezer Magistrate Court. Plaintiff was represented by Thomas I. Howard, and the Defendant appeared *pro se*. Defendant appeals the Magistrate Court's judgment granting possession to, and issuing a Writ of Ejectment to evict Defendant in case number 2015CV4610303297. The facts of the appeal are as follows.

Respondent filed an Application for Ejectment on June 17, 2015, after not receiving payment of June's rent on or before June 1, 2015, as outlined in the Parties Lease Agreement. Appellant was served with a Rule to Vacate or Show Cause on June 17, 2015.

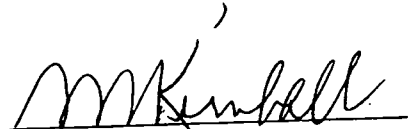
Appellant asserts that he submitted payment to Respondent on June 20, 2015, at which time the payment was returned to him by Respondent. Respondent argues that S.C. Code Ann. §27-37-150 (1976, as amended) applies to this case, because §27-37-150 provides that acceptance of payment after issuance of the Rule to Show Cause does not waive a landlord's right to proceed with an eviction proceeding.

Upon hearing the arguments of Appellant and Respondent, I conclude that §27-37-150 is applicable to the facts of this Appeal. I further conclude that Appellant fails to show any error of law on the part of the Magistrate Court's in granting of possession and issuance of a Writ of Ejectment to Respondent, Paces River Apartments.

Therefore, there being no issue of fact presented, and finding no error of law by the Magistrate, the judgment of the Magistrate Court is affirmed.

AND IT IS SO ORDERED.

September 1, 2015


 S. Jackson Kimball
 Special Circuit Court Judge
 York County

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Circuit Court Judge

Case No. 2015-CP-46-02073

Paces River Apartment
1817 Paces River Ave
Rock Hill, SC 29732

Respondent,

Vs.

Reginald D. Evans,
1805 Paces River Ave,
Rock Hill, SC 29731

Appellant.

NOTICE OF APPEAL

Reginald D. Evans appeals the order and judgment of the Honorable S. Jackson Kimball dated August 13, 2015. Appellant received written notice of entry of this order and judgment on August 13, 2015. *Attach Exhibit A*

August 17, 2015

Respectfully Submitted,



Reginald Evans
1805 Paces River Ave,
Rock Hill, SC 29731
Pro Se

Other Counsel of Record:
Attorney for Respondent
Not listed on Court Roster

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SC Court of Appeals

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DAVID HAMILTON
C.C.C.P. & S.S.
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
CASE NO: 2015-CP-46-02223

Reginald Evans,)
)
Plaintiff,)

vs.)

NOTICE OF APPEARANCE

BH Management, LLC d/b/a Paces)
River Apartments,)
)
Defendants.)

NOW COMES the undersigned attorney, who gives notice that he will hereafter be representing for BH Management, LLC d/b/a Paces River Apartments, the Defendants in this matter. All further pleadings or correspondence on behalf of BH Management, LLC d/b/a Paces River Apartments should be mailed to:

Thomas I. Howard, Jr.
Brownlee Law Firm, PLLC
3255 Landmark Drive, Suite 101
North Charleston, South Carolina 29418
Telephone number: (843) 628-0847
Facsimile number: (888) 267-7689

This the 26th day of August, 2015.

BROWNLEE LAW FIRM, PLLC

By: Thomas I. Howard, Jr.
Thomas I. Howard, Jr., SCSB #101252
3255 Landmark Drive, Suite 101
North Charleston, South Carolina 29418
Telephone: (843) 628-0847
Facsimile: (888) 267-7689
**Attorneys for BH Management, LLC d/b/a
Paces River Apartments**

5
Reginald Evans
1805 Paces River Ave,
Rock Hill, SC 29731

August 17, 2015

Clerk of Court for York County Court of Common Pleas
P.O. BOX 649
York, SC 29745-0649

RE:Reginald Evans Pro Se, in Paces River Apartments v. Reginald D. Evans Case
No. 2015-CP-46-02073

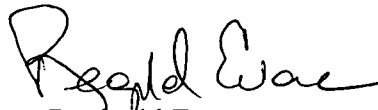
Dear Mr. David Hamilton,

On August 13, 2015, the above case was tried before the Honorable S. Jackson Kimball, Circuit Court Judge, in York County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR. Please inform me of the cost before providing the service.

Respectfully Submitted,



Reginald Evans
1805 Paces River Ave,
Rock Hill, SC 29731
Pro Se

Other Counsel of Record:
Attorney for Respondent
Not listed on Circuit Court's Roster

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SEP 17 2015

SC Court of Appeals

cc: Mary P. Jones, Esquire
S.C. Court Administration
Clerk, Court of Appeals [Supreme Court]

Exhibit A

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Circuit Court Judge

Case No. 2015-CP-46-02073

Paces River Apartment
1817 Paces River Ave
Rock Hill, SC 29732

Respondent,

Vs.

Reginald D. Evans,
1805 Paces River Ave,
Rock Hill, SC 29731

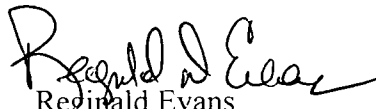
Appellant.

NOTICE OF APPEAL

Reginald D. Evans appeals the order and judgment of the Honorable S. Jackson Kimball dated August 13, 2015. Appellant received written notice of entry of this order and judgment on August 13, 2015.

August 17, 2015

Respectfully Submitted,


Reginald Evans
1805 Paces River Ave,
Rock Hill, SC 29731
Pro Se

Other Counsel of Record:
Attorney for Respondent
Not listed on Court Roster

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SC Court of Appeals