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STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

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

IN THE COURT OF COMMON PLEAS
FOR THE SIXTEENTH JUDICIAL CIRCUIT
CASE NO: 2015-CP-46-02222

SC Court of Appeals

OCT 14 2015
SEP 30 AM 8:17
DAVID HAMILTON
C.C.P.
YORK COUNTY, SC
FILED-RECEIVED

**ORDER DISMISSING PLAINTIFF'S
APPEAL FROM TRIAL COURT
AND DISMISSING PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT
WITH PREJUDICE**

These matters came before me on September 17, 2015, upon an Appeal by Appellant/Plaintiff, Reginald Evans ("Appellant"), from the Catawba/Ebenezer Magistrate Court, appealing the Magistrate Court judgment dismissing Appellant's case. Appellant also filed a Motion for Default Judgment in the above captioned case subsequent to filing his appeal.

Respondent appeared by and through its counsel, Thomas I. Howard, Jr. The motion hearing was scheduled for 2:00 p.m., and was called to be heard between 2:00 and 2:15 p.m. Appellant was not present.

The appeal was heard and denied. Additionally, Appellant's Motion for Default Judgment was summarily dismissed, as it merely sought to hold Respondent in default in this appeal, and thus, was not proper. Appellant subsequently appeared some fifteen to thirty minutes after the call of the case, and after Respondent's counsel had left the court. Appellant was advised of the disposition of his appeal and motion.

Notwithstanding Appellant's absence from the hearing, I find and conclude that the appeal was without merit. Based upon the Magistrate's Return, there were no factual issues to be resolved. Rather, Appellant simply failed to offer factual evidence in support of his claim that Respondent violated three specific statutes. The Magistrate so ruled, and dismissed Appellant's claims as a matter of law.

Therefore, Appellant's Appeal and Motion are dismissed with prejudice.

AND IT IS SO ORDERED.

September 25, 2015



S. Jackson Kimball
Special Circuit Court Judge
York County