

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 TRACY FULMORE, )  
 ) APPELLANT )  
 )  
 vs. )  
 )  
 JULIE SMITH, )  
 ) RESPONDENT )

IN THE COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT

ORDER DENYING APPEAL

Case #: 2014-CP-40-5976

**RECEIVED**

MAR 09 2016

SC Court of Appeals

This matter comes before me on July 7, 2015 for determination of the Appellant's Notice of Motion and Motion for Appeal, appealing the judgment of the Magistrates Court in Case No. 2014 - CV - 40-10900510. The Magistrate filed his Return of Appeal on or about November 7, 2014. The Respondent in this matter further filed a Notice of Motion/Motion to Dismiss the Appeal with the Richland County Clerk of Court on May 1, 2015. The Appellant then filed his Return to the Respondents Motion. Additionally, the Appellant has filed a Reply to the Return as well as a Supplemental Reply to the Return of Appeal in this matter. A previous hearing was scheduled in this matter on or about May 8 of 2015, at which time the Court granted the Appellant's Motion to Continue in order to give the Appellant additional time to obtain the transcripts from the Magistrates Court hearing. The matter was rescheduled for July 7, 2015 and the Appellant's attorney, again, did not have the transcripts from the Magistrates Court hearing available for the July 7, 2015 hearing. He was given permission to supplement his argument with the transcript once he received it and the hearing was conducted.

Present at the July 7, 2015 hearing were Charles T Brooks, III of the Sumter County Bar, on behalf of the Appellant and the Respondent, Julie Smith, who was not represented by counsel. The Appellant was not present. This court has reviewed the documents filed in this matter and the transcribed hearing of the Richland County Magistrate Court hearing regarding these issues. Based on the foregoing and the remarks of counsel and the parties herein, the court finds as follows:

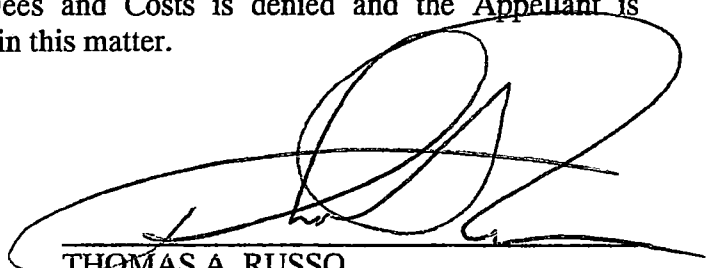
1. The transcript from the Magistrates Court proceeding clearly indicates that the Appellant was offered keys and access to the building, which is the subject of the lease, on several occasions prior to the start date of the lease;
2. Based upon a transcript of the lower court proceeding, the Magistrate was well within the law in granting the Respondent, Julie Smith, a judgment against the Appellant, Tracy Fulmore, for breaching the lease that was effective per the written details of the lease document; and
3. The Appellant's request for Appeal in this matter should be denied and the findings and judgment of the Magistrate be upheld.

**SCANNED**

**IT IS THEREFORE ORDERED THAT:**

1. The Appellant's Request for Appeal in this matter is denied; and
2. The decision and the judgment of the Magistrates Court is hereby upheld; and
3. The Appellant's Request for Attorney's Fees and Costs is denied and the Appellant is responsible for his own attorney fees and costs in this matter.

**AND IT IS SO ORDERED**



THOMAS A. RUSSO  
Judge of the Circuit Court

Date: 2/5/2016

**SCANNED**