

CARIA GORRITZ
128 Castlewood Lane
Elgin, SC 29045
803-466-7841

August 22, 2016

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
AUG 22 2016
SC Court of Appeals

RE: Caria Gorritz v. Prime Financial Services
Appellant Case No. 2016-00134

HAND DELIVERED

Dear Ms. Kitchings:

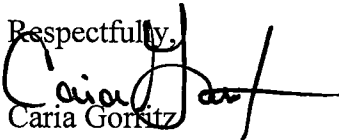
Enclosed please find the original Brief of Appellant and 15 copies for filing in the above referenced matter.

Also find the Designation of Matter to be included in the Record on Appeal.

By copy of this letter and pursuant to the enclosed Proof of Service, I am serving three copies of the documents upon counsel for the Respondent, Larry C. Marchant, Jr., Esquire, 3020 Devine Street, Columbia, SC 29205.

Should you need anything further, please call. Thank you for your continued assistance and attention to this matter.

Respectfully,


Caria Gorritz

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Caria Gorritz,

APPELLANT,

vs.

Prime Financial Services,

RESPONDENT.

IN THE COURT OF COMMON PLEAS
THE FIFTH JUDICIAL CIRCUIT

Case No.: 2016-CP-40-1407

ORDER OF DISMISSAL

Date of Hearing:	May 20, 2016
Presiding Judge:	The Honorable L. Casey Manning
Appellant's Attorney:	Pro Se
Respondent's Attorney:	Larry C. Marchant Jr.
Court Reporter:	DeeAnne Varnadoe

JEANETTE W. McBRIDE
 C. P. & G. S.
 2016 MAY 27 AM 8:50
 RICHLAND COUNTY
 FILED

ORDER

This appeal came to be heard on May 20, 2016, pursuant to the Appellant filing of an appeal from the judgment of Pontiac Magistrate Andy Surles on Appellant's violation of lease agreement and Order of eviction on February 29, 2016.

Attorney for the Respondent asked the Court to allow him to withdraw a motion of continuance filed with the Clerk of Court. Attorney for the Respondent made a motion to dismiss the appeal based on the Appellant's lack of prosecution and failure to comply with the rules of the Court.

I find that that the Attorney for the Respondent's motion to continue is withdrawn.

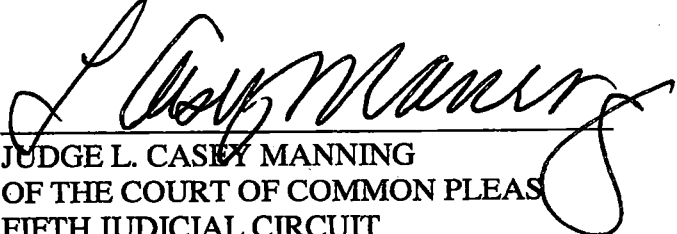
I find that the Appellant, as the moving party, has an obligation to pursue the prosecution of its appeal in a timely and responsible manner.


[Faint, illegible stamp]

IT IS ORDERED that the appeal is DISMISSED FOR FAILURE TO PROSECUTE.

IT IS FURTHER ORDERED that the Attorney of the Respondent will forward a copy of this Order to the Appellant, and that Appellant shall be notified that she can appeal this decision of the Court.

AND IT IS SO ORDERED.


JUDGE L. CASEY MANNING
OF THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT


Clerk, South Carolina
26 day of May 2016

SC 0177

State of South Carolina)
) In the Circuit Court
County of Richland)
)
)
Prime Financial Services,)
)
Plaintiff,) 2016-CP-40-01407
)
versus) May 20, 2016
)
Caria Gorritz,) Columbia, South Carolina
)
Defendant.)
_____)

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable Casey Manning

A P P E A R A N C E S:

Larry Marchant, Jr., Esquire
Attorney for the Plaintiff

PROVIDED FOR: Caria Gorlitz, Self-Represented Defendant

FOR COPIES CONTACT: DeeAnne Varnadoe
Official Court Reporter
Fifth Judicial Circuit, At-Large
dvarnadoe@sccourts.org

THIS TRANSCRIPT WAS PREPARED FOR CARIA GORRITZ

I N D E X

Hearing 4

Certificate 6

E X H I B I T S

FOR THE PLAINTIFF:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

FOR THE DEFENDANT:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

THIS TRANSCRIPT WAS PREPARED FOR CARIA GORRITZ

P R O C E E D I N G S

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THE COURT: Who do you represent?

MR. MARCHANT: Prime Financial.

THE COURT: And you got notice to Ms. Gorritz? Did she receive notice for this hearing?

MR. MARCHANT: I've never talked to her. She's the appellant.

THE COURT: All right. Yes, she got notice. And she is appealing?

MR. MARCHANT: Yes, sir.

THE COURT: Well, do you have a motion?

MR. MARCHANT: Yes. Our motion is to deny her appeal. We ---

THE COURT: Dismiss the appeal for lack of prosecution?

MR. MARCHANT: Yes.

THE COURT: Granted.

MR. MARCHANT: Thank you, sir.

THE COURT: I'll do a Form IV.

MR. MARCHANT: Thank you. She was about four months behind. We did an eviction. The contract was solid.

THE COURT: I'm going to do it like this. I'm going to dismiss it. I'm going to ask you to do a little form order.

MR. MARCHANT: Okay.

THIS TRANSCRIPT WAS PREPARED FOR CARIA GORRITZ

1 THE COURT: Does that make sense? And you can put all
2 of that in the order. You got her notice. She filed a
3 notice for continuance but she withdrew it. Put all of
4 that in there. Don't put too much in it. Protect
5 yourself. Make sure that she gets a copy of your form
6 order. I don't think it will make any difference, but just
7 to be on the safe side, you ought to put in there that she
8 has the right to appeal this.

9 MR. MARCHANT: I'm sorry, Your Honor?

10 THE COURT: You need to put in this order that we're
11 dismissing her appeal for lack of prosecution and that she
12 has the right to appeal this order. And that she has 30
13 days to do so. Does that make sense?

14 MR. MARCHANT: Yes, sir.

15 THE COURT: Do it that way and that should cover all
16 the bases. And that's so you won't have any issues later
17 on with filing a grievance.

18 All right. Thank you.

19 (WHEREUPON, the hearing in the above-
20 entitled matter was concluded.)

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
) THE FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND

)

Caria Gorritz

) DOC. NO.: 2016-CP-40-1407

APPELLANT,

)

vs.

) MOTION FOR CONTINUANCE

Prime Financial Services

)

RESPONDENT.

)

FILED
2016 MAY 20 AM 9:03
CLERK OF COURT
SOUTH CAROLINA

I was registered as the Attorney of Record for the Respondent with the Magistrate's Court. My name may have not transferred to the Circuit Court on the Appeal. My client received notice and thought as the Attorney of Record that I had received also. I did not receive any documentation concerning the appeal until my client sent me scanned copies to me. I was not able to meet the Wednesday deadline on the brief.

I request a continuance so that I may submit my memorandum to the Court for its consideration.

Larry C. Marchant Jr
ATTORNEY FOR THE RESPONDENT
S.C. Bar No. 102071
3020 Devine Street
Columbia, SC 29205
Phone: (803) 771-1507
Fax: (803) 771-9752
larrycmarchant@gmail.com

Columbia, South Carolina
May 20, 2016

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Caria Gorritz

APPELLANT,

VS.

Prime Financial Services

RESPONDENT.

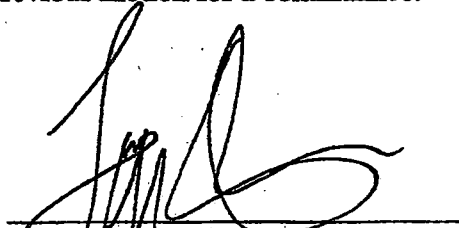
) IN THE COURT OF COMMON PLEAS
) THE FIFTH JUDICIAL CIRCUIT

) DOC. NO.: 2016-CP-40-1407

) WITHDRAW MOTION
) FOR CONTINUANCE

FILED
2016 MAY 20 AM 10:39
JAMES H. WILSON
C. C. P. & N.S.

I ask this Court to allow me to withdraw my previous motion for a continuance.



Larry C. Marchant Jr.
ATTORNEY FOR THE RESPONDENT
S.C. Bar No. 102071
3020 Devine Street
Columbia, SC 29205
Phone: (803) 771-1507
Fax: (803) 771-9752
larrycmarchant@gmail.com

Columbia, South Carolina
May 20, 2016

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE PONTIAC MAGISTRATE'S COURT

CASE NUMBER: 2016CV4010900010

Prime Financial Services

PLAINTIFF,

VS.

Caria Gorriz

DEFENDANT

On February 29, 2016, this Court ruled in favor of the Plaintiff on a Ejectment Action, involving Prime Financial vs. Caria Garriz.


Defendant appealed, and on April 4, 2016, this Court established a Bond in the amount of \$5629.70, to be held in escrow until the conclusion of the appeal, and required Defendant to comply with the terms of the lease agreement by paying Plaintiff the monthly lease in amount of \$830.99, and said payment shall not be more than five (5) days late.

An appeal was heard by the Honorable L. Casey Manning, in the Court of Common Pleas, the Fifth Judicial Circuit. Judge Manning issued an Order of Dismissal on May 26, 2016.

Plaintiff's Attorney mailed a copy of Judge Manning Order to the Defendant, USPS, Certified Mail, Return Receipt.

THEREFORE, it is ORDERED the escrow held by this Court in the amount of \$5,629.70 be released to the Plaintiff.

IT IS SO ORDERED



The Honorable Judge Andy Surles
Pontiac Magistrate

This 15th day of June 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)
)
)

2016CV4010900010
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Prime Financial Services
4001 Rosewood Drive
Columbia, SC 29205
(803) 790-0093

PLAINTIFF(S)

Vs

Caria Garritz
128 Castlewood Lane
Elgin, SC 29045

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:


Upon Judgment of this Court, rendered on the 29th day of February, 2016, you are hereby Ordered to proceed to the premises located at **128 Castlewood Lane Elgin, SC 29045.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate the premises. If the premises appear unoccupied and no one responds to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.**

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, a deputy sheriff may enter the premises using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway. All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.**

June 15, 2016



Pontiac Magistrate

_____, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit.
 On _____ 20____, at _____ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise. On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
 Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
 The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
 Informed by Plaintiff that case is settled.

Date: _____, 20____

Sheriff/Deputy Sheriff/Constable

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No.: 2016-001334

Caria Gorritz.....Appellant

V.

Prime Financial Services.....Respondent

AFFIDAVIT

The Appellant hereby submits this Affidavit as a part of the Record.

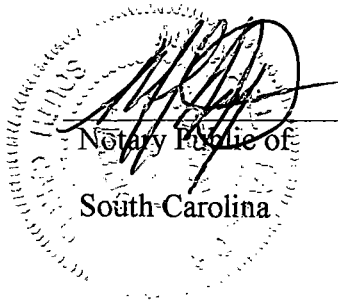
CARIA GORRITZ, personally appearing before me, states that:

- 1) Caria Gorritz (“Appellant”) has an ownership equity interest in the real estate property located at 128 Castlewood Lane Elgin, SC 29045 by way of a Lease Purchase Real Estate Contract (Rent to Own) between Prime Financial Services, (“Respondent”) and Caria Gorritz (“Appellant”);
- 2) The Lease Purchase Agreement was filed in the office of the Richland County Register of Deeds in Book No. 2000, at page 3050 on 01/22/2015. The Lease states the purchase price of \$107,900.00 and that Respondent is selling the home to Appellant.

- 3) That Appellant is charged an amortized annual interest rate of 7% by Respondent for financing the purchase.
- 4) That the lease term is for 30 years.
- 5) That as the owner, Appellant is responsible for paying all state and local property taxes and for maintaining hazard insurance on the property.
- 6) That Appellant paid to Respondent the amount of \$850.00 in closing costs where the real estate closing was performed by Respondent.
- 7) That Respondent has repeatedly stated to Defendant that she is the owner of the home and that Plaintiff is not responsible for any repairs such as heating and air conditioning, plumbing, roofing, pest control, or household appliances that would normally be a landlord's responsibility under the South Carolina Landlord/Tenants Act.
- 8) That Appellant did not receive any notice of the hearing scheduled before the Honorable Judge Casey Manning on May 20, 2016.

Sworn to before me,)

)
8/22 2016)



My Commission Expires:)

7-13-2021

Caia GWH
 Appellant