

Fax # 803 734-1839

CASE # 2016-001629

**RECEIVED**

SEP 22 2016

SC Court of Appeals

Pages 8

From: Laura Lehr

URGENT

Mailing check # 2062  
on 9-23-16

PLEASE send NOTE to  
Summerville Magistrates  
court that a motion  
was filed



until repairs are made the landlord has been notified continuously about these conditions since May of 2016 and has not contacted us regarding such repairs.

I am asking the court to invalidate the Writ of Ejectment upon the actions that the bond was paid and the landlord has not given the correct and accurate information to the court and also has not fulfilled their obligations to maintain the premises in livable conditions. I am putting in the mail check # 2062 for 25.00.

I Laura A. Lehr filed an appeal to the Circuit Court on June 17, 2016 from the Application for Ejectment filed in the Magistrate's Court Respondent/Landlord. Thereafter pursuant to S.C. Code §27-40-800, the Magistrate held a Bond to Stay Execution on Appeal hearing on July 28, 2016. On July 28, 2016 at 2:00pm I was to attend the Bond to Stay hearing, but at 11:00am I was in the hospital due to health issues and notified the Clerk of Court at that time and asked for a continuance. The Clerk of Court informed me that they needed proof faxed to them that I was there. I gave the information to my nurse and informed him of the information and told him that documentation had to be sent over before 1:30pm. The nurse returned and informed me all was taken care of which was at 1:30pm.

On Sunday July 31, 2016 at 3:30pm my ex-husband David Lehr received a text message stating the following: "David not sure if your aware or not but Laura failed to post bond on Friday July 29, 2016 so you should be getting an eviction notice on your door within 48 hours which will give you 24 hour notice to vacate your belongings. Just want you aware for your kid's sake." After hearing this I called them first thing on Monday morning and asked what was going on. The Clerk informed me that they didn't receive my admission to the hospital till 2:15pm, at that time I said can I appeal and she said yes so we drove to St. George. The Clerk of Court in St. George said I can't appeal, but I could go back to the Magistrate's office and file a Motion to Reconsider. We filed the Motion to Reconsider and were given a date of August 3, 2016 at 2:00pm. I tried to plead my case and also tried to inform the judge that the Ramey's calculations were incorrect on how much we owed and even had all my receipts.

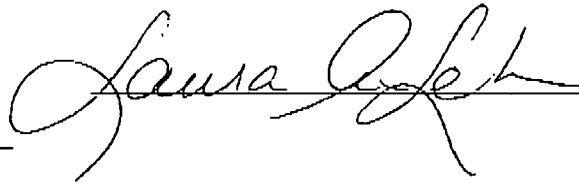
On Thursday July 28,2016, Judge Patton set bond in the amount of eight hundred and fifty dollars (\$850.00),to be paid by 12:00 PM NOON on Friday, July29, 2016.

According to Section 27-37-130 Bond 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 then notice of such appeal shall be dismissed by the trail magistrate.

According to the order dismissing by appeal pursuant to S.C. Code §27-37-13, the stay of execution shall dissolve, and my appeal to the Circuit Court is hereby dismissed. I ask that you reverse both courts decisions due that I was not given the required five days to post my bond according to S.C. Code §27-37-130 I was only given one day.

On August 3, 2016 the balance of the bond when I appeared in court was only \$350.00 which the Respondents attorney agreed.

\_\_\_\_\_ 

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 then notice of such appeal shall be dismissed by the trail magistrate.

According to the order dismissing by appeal pursuant to S.C. Code §27-37-13, the stay of execution shall dissolve, and my appeal to the Circuit Court is hereby dismissed. I ask that you reverse both courts decisions due that I was not given the required five days to post my bond according to S.C. Code §27-37-130 I was only given one day.

On August 3, 2016 the balance of the bond when I appeared in court was only \$350.00 which the Respondents attorney agreed.



---

**BofA Core Checking - 7687: Account Activity Transaction Details**

---

**Post date:** 09/21/2016

**Amount:** -350.00

**Type:** Transfer

**Description:** TRANSFER LAURA LEHR:tracy ramey  
Confirmation# 0247223865

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF DORCHESTER )  
)  
)  
)  
)

**2016CV1810302778**  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Tracy Ramey  
3003 North St  
Beaufort, SC 29902

PLAINTIFF(S)

Vs  
Laura Lehr  
9 Duchess Ct  
Summerville, SC 29485

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on September 20, 2016, you are hereby Ordered to proceed to the premises located at **9 Duchess Ct Summerville, SC 29485.**

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.

September 20, 2016

*Natomi Patton*  
Summerville Magistrate

J. DAVIS, being duly sworn state that:

- I personally served a copy of this Writ on \_\_\_\_\_, an occupant of the rental unit
- On 22 Sept 20 16 at 1410 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 \_\_\_\_\_

*[Signature]*  
376  
Sheriff/Deputy Sheriff/Constable

# The South Carolina Court of Appeals

Tracy Ramey, Respondent,

v.

Laura Lehr, Appellant.


Appellate Case No. 2016-001629

---

## ORDER

---

In this ejectment action, Judge Katrina Patton set a bond in the amount of \$850.00 to be paid by Appellant by July 29, 2016. Appellant failed to pay the bond, and on August 1, 2016, Appellant's circuit court appeal was dismissed pursuant to section 27-40-800 of the South Carolina Code (2007). Appellant has now appealed the dismissal. Respondent filed a "Petition for Order of Bond to Stay Execution on Appeal." This court notes that orders under section 27-40-800 are not automatically stayed by the service of a notice of appeal. *See* Rule 241(b)(10), SCACR. In order for the ejectment to be stayed, Appellant must "sign an undertaking that [s]he will pay to the landlord the amount of rent . . . as it becomes due periodically after judgment was entered." S.C. Code Ann. § 24-40-800(f)(1). If Appellant fails to comply with section 24-40-800(f)(1) within five days of the date of this order, the magistrate court, "upon application of the landlord, shall issue a warrant of ejectment to be executed pursuant to [section] 27-37-40 of the [South Carolina] Code." S.C. Code Ann. § 24-40-800(e).

  
FOR THE COURT

Columbia, South Carolina

**FILED**

September 9, 2016

cc:

Laura Lehr

Michael Chase Payne, Esquire