

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Cheryl Graham, Clerk of Court

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Case No. 2016-001629

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Tracy Ramey,

Respondent,

v.

Laura A. Lehr,

Appellant.

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**PETITION FOR IMMEDIATE DISMISSAL OF APPELLANT'S MOTION TO STAY**

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Respondent Tracy Ramey, (hereinafter referred to as "Respondent"), by and through her undersigned counsel, hereby moves that this Court immediately dismiss Appellant Laura A. Lehr's Rule 241 Motion based on Appellant's blatant failure to comply with this Court's previous Order of September 9, 2016. In that Order, this Court ordered Appellant to "sign an undertaking that she will pay to the landlord the amount of rent...as it becomes due periodically after judgment was entered." The Order of September 9, 2016, clearly stated that the deadline that Appellant had to comply with said order was "*within five days of the date of this order.*" The Order is clear that the deadline is five days from the date of the order *not* from the date in which Appellant allegedly received the Order in the mail.

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Respondent vehemently contests Appellant's assertions that, "On August 3, 2016, the balance of the bond when I [Appellant] appeared in court was only \$350.00 which the Respondents attorney agreed." Appellant has failed to comply with Judge Patton's Order setting bond in the amount of eight-hundred and fifty (\$850.00). In addition to that bond, Judge Patton ordered Appellant to continue to pay rents in the amount of nine-hundred and eighty dollars (\$980.00) as they became due on the first of each month. Judge Patton ordered that payment be made directly to Respondent's attorney's office. On August 3, 2016, contrary to Appellant's assertions, Appellant owed both the \$850.00 for bond and the \$980.00 for August's rent. Appellant has to this day failed to pay any amount of rent for August or September of 2016. As such, Appellant currently owes an outstanding balance of two-thousand eight-hundred and ten dollars (\$2,810.00).

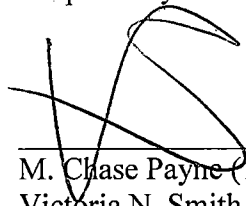
Appellant's assertions that she allegedly deposited \$350.00 into Respondent's bank account on September 21, 2016, make Appellant furthermore in direct violation of Judge Patton's Order, which required that Appellant make payment directly to Respondent's attorney's office located at 280 Seven Farms Drive, Suite A in Daniel Island, South Carolina 29492. Furthermore, Appellant is still past due in the amount of two-thousand four-hundred and sixty dollars (\$2,460.00).

It is highly prejudicial to Respondent to allow Appellant to continue to occupy Respondent's property without paying rent. As such, Respondent requests that this Court immediately order dismissal with prejudice of Appellant's Rule 241 Motion Pursuant to S.C. Code of Laws § 27-40-800(e) based on Appellant's blatant failure to comply with this Court's Order of September 9, 2016.

S.C. Code of Laws § 27-40-800(b) indicates that it is the *Appellant's responsibility* to provide an undertaking in order to stay execution on appeal and to pay rents in the amount

determined by the Magistrate. As such, Appellant's assertion that Respondent's attorney was responsible for providing and securing this paperwork from Appellant is without merit. To date, Appellant has failed to provide such an undertaking and has failed to pay bond, has failed to pay rent for both August 2016 and September 2016. As such, Respondent hereby requests that Appellant's appeal be automatically dismissed with prejudice.

Respectfully Submitted,



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M. Chase Payne (100205)  
Victoria N. Smith (101864)  
Payne Law Firm, LLC  
280 Seven Farms Drive, Suite A  
Daniel Island, SC 29492  
Phone: (843)-606-5700

Daniel Island, South Carolina  
September 23, 2016

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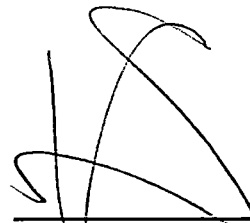
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of Respondent's Petition for Immediate Dismissal of Appellant's Motion to Stay on this 13 day of September, 2016, by placing the same in a prepaid postage envelope and depositing via USPS first class mail to the following person(s) at the addresses below:

Laura Ann Lehr  
9 Duchess Ct.  
Summerville, SC 29485



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Victoria N. Smith  
280 Seven Farms Drive, Suite A  
Daniel Island, SC 29492  
(p) (843) 606-5700  
(f) (877) 683-6017

**PAYNE LAW FIRM, LLC**

280 Seven Farms Drive • Suite A • Daniel Island • South Carolina • 29492  
PHONE (843) 606-5700 • FAX (877) 683-6017  
chase@paynelawoffice.com

September 23, 2016

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ATTN: Claire Allen  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

**RE: Case No. 2016-001629**

Dear Ms. Allen:

Pursuant to our previous discussions, I am enclosing herewith Respondent's Petition for Immediate Dismissal of Appellant's Motion to Stay in submission for filing. The same has been served today upon Appellant Laura Lehr.

Due to the nature of this dispute, I respectfully request that we receive an expedited decision on this matter. Thank you for your prompt attention to this matter.

Respectfully,



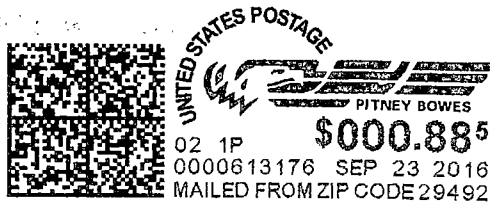
M. Chase Payne, Esq.

Enclosures: as stated



PAYNE LAW FIRM, LLC  
280 SEVEN FARMS DRIVE, SUITE A  
DANIEL ISLAND, SC 29492

Attn: Clerk of Court  
S.C. Court of Appeals  
P.O. BOX 11629  
Columbia, SC 29211



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