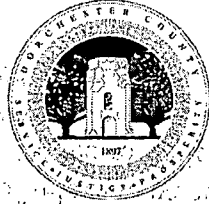


**MAGISTRATE COURT
FOR
DORCHESTER COUNTY**



212 DEMING WAY, BOX 10
SUMMERVILLE, SC 29483

PHONE (843) 832-0370

FAX (843) 832-0371

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MAY 01 2017

SC Court of Appeals

VIA EMAIL AND US MAIL

The South Carolina Court of Appeals.
Attn: V. Claire Allen, Deputy Clerk
Post Office Box 11629
Columbia, South Carolina 29211

Re: Smalls v. Barnett
Case No.: 2015CV1810303599

Dear Ms. Allen:

Pursuant to my office's communication with you this morning, please consider this as a Letter of Explanation regarding the above-referenced matter, currently pending before your Court. Following is a timeline of relevant events:

- **06.18.2015** Plaintiff filed Notice to Quit Trespass, and no request for hearing was made within the 10 days following.
- **06.30.2015** Defendant filed Appeal with the Circuit Court.
- **07.01.2015** Bond to Stay hearing on Magistrate Court; Plaintiff failed to appear and no evidence was presented, so no bond was set.
- **12.23.2015** Defendant's appeal was dismissed by the Circuit Court.
- **01.04.2016** Our office received notice that Defendant appealed to the SC Court of Appeals. Per instructions from Court Administration, we declined to set bond.
- **03.20.2017** Our office received the Order to Remand to Magistrate from the Dorchester County Circuit Court for the purpose of holding a hearing for a Bond to Stay pending appeal.
- **03.27.2017** Our office received notice that the Court of Appeals dismissed the Appeal titled, "Amended Remittitur," making the bond to stay hearing moot.
- **03.28.2017** Judge Richardson signed a Writ of Ejectment ordering Defendant to vacate the premises.
- **03.31.2017** Defendant filed Motion to File the Reinstatement of Appeal Out of Time with SC Court of Appeals, staying execution of the ejectment.
- **04.04.2017** Plaintiff filed Request for Hearing for Magistrate to set bond.
- **04.12.2017** Bond to Stay hearing was held at Dorchester County Magistrate Court. Defendant did not appear to the bond hearing. Plaintiff appeared and presented documentation showing that \$500 per month should be paid monthly

April 25, 2017

pending appeal. During this process, no money has ever been paid to Plaintiff for Defendant's use of the property, dating at least back to 2015. Plaintiff presented a letter from the SC Court of Appeals showing that Defendant's pending motion was deficient, but also that Defendant was given 10 days to correct the deficiencies. There was some discrepancy as to whether any action is currently pending before the SC Court of Appeals. Out of an abundance of caution and to protect Plaintiff's interests while Defendant's appeals persist, the Court ordered Defendant to pay \$5,000 in back rent directly to Plaintiff or Plaintiff's attorney by Friday, April 21, 2017, and to pay \$500 monthly going forward.

- **04.24.2017** Plaintiff filed a sworn Affidavit with our office stating that he has not been paid the \$5,000 as ordered, and requesting that they automatic stay on execution of the writ be lifted. Pursuant to 27-37-130 and instructions from Court Administration, we typically contact the Circuit Court and dismiss the appeal. In this matter, since the appeal is pending before the SC Court of Appeals, we have contacted your Court to coordinate according to your process for accomplishing dismissal.

I do hope this timeline provides clarification and we look forward to any guidance your office can provide. Please feel free to call us with any questions or concerns.

With kind regards,



Amanda M. Leviner
Magistrate, Dorchester County

CC: Kevin Duane Hackler, Esquire *via email only*
~~Theron Wayne Sandy, II Esquire~~ *via email only*
Louis Moore

**DORCHESTER COUNTY
MAGISTRATES COURT**
Troy G. Knight Judicial Bldg.
Box 10, 212 Deming Way
Summerville, South Carolina 29483



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SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS
ATTN: V. CLAIRE ALLEN, DEPUTY CLERK
P.O. BOX 11629
COLUMBIA SC 29211

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