

Notice of Appeal from Common Pleas Regarding a Magistrate or Municipal Court

The State of South Carolina

In the Court of Appeals

Appeal From Horry County

Court of Common Pleas

Benjamin Culvertson Circuit Court Judge

Case Number 2016CP2600204

Gregory Faubel

Appellant

V

Tom Pate

Respondent

**RECEIVED**

AUG 14 2017

**SC Court of Appeals**

Motion of Admendment

Appellant Case Number : 2017-001074

These are some of the issues that we had with the Magistrate Court and with Common Pleas Court.

- a.) The magistrate can only rule on cases valued at \$7,500 and under. This case is based on Breach of Contract and the contract is well over the Magistrates limit.
- b.) When in fact the Magistrate told the court of Common Pleas that it could be a Landlord Tennant or a land Sales contract.
- c.) Then the Magistrate waited 4 to 6 months to say that it was a Landlord Tenant Dispute. Judge Stephen John of the Court of Common Pleas sent it back to the Magistrate as the ruling was unclear.
- d.) When in fact the Magistrate did not have jurisdiction to rule on the case either way, As the value of the real property is well over his \$7,500 limit.
- e.) When the case was filed it was origanilly filed as a breach of contract case. It has yet to go to litigation on the matter as neither parties was ever notified of any set date for ligation. The judge then sent it to magistrate court.
- f.) Titlement of Real Property this issue was brought up in both Magistrate court and

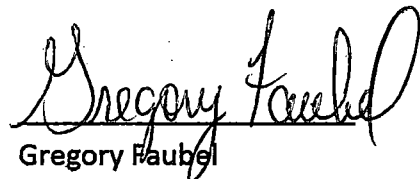
Common Pleas and neither judge would hear the arguement.

g.) It was a Breech of Contract because he seller (Mr. Pate) had land surveyed out of the contract after the contract was signed by all parties and notarized.

h.) Breech of Trust- The seller (Mr. Pate) refused to evict the tenants he had rented to as he said he would do when the contract was signed and notarized. After the contract was signed and notarized he refused to issue or have issued an eviction.

i.) These arguements themselves make it a Land Sales Contract and not a Landlord Tennant issue. The basis of the arguement is the entitlement of real property.

I am not a lawyer but a layman in which the laws were made to protect. From my understanding the court should send this case to litagation and then to jury trial if needed. For the forementioned issues that were brought out in open court but never heard on thier merit. Any thing else would be a gross miscarriage of justice.



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Appellant

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**Respondent**

**South Carolina Court of Appeals**

**1220 Senate St**

**Columbia, SC 29201**

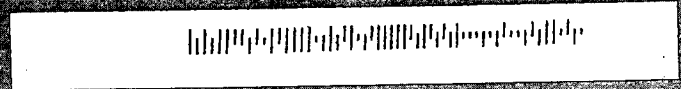
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