

Marie Assa'ad-Faltas, MD, MPH
P.O. Box 9115, Columbia, SC 29290
Phone (803) 783-4536
27 November 2018

The Honorable Clerk, SC Court of Appeals
The Honorable Elizabeth Carter, Deputy Clerk
1220 Senate Street, Columbia, SC 29201

hand-delivered to Ms. Carter

Re: Appeal No. 2018-001751 having become moot

Your Honors:

Thank God, this morning, I saw on Richland County's Public Index, the attached ORDER from Judge Gravely rescinding his own very 13 August 2018 order which is the subject of this appeal.

I also note that my Emergency Motion for Relief from Judgment was filed **in the circuit court before the appeal was filed in this Court**. There is no clear law that I could find on whether the pendency of a motion for relief from judgment does or does not stay the timelines for an appeal and on whether the trial court may grant such motion during pendency of an appeal.


Therefore, I ask Your Honors to mark my appeal to this Court as WITHDRAWN or SETTLED or MOOT or any other appropriate notation which would allow the matter to proceed in Richland County's Circuit Court of Common Pleas as is indicated in Judge Gravely's 19 November 2018 order entered today.

Since no counsel appeared for Austin Woods, and since Austin Woods did not respond to this appeal or to any motions in it, Austin Woods clearly did not incur any costs related to this appeal. Additionally, I am very reluctant to consult with them lest it be inadvertently taken as giving them legal advice. **They are duly and timely copied with this letter and the attachment thereto.**

Per Ms. Carter's and my phone conversation last week, please accept this letter as my request to withdraw this appeal without prejudice.

Thanks again for everything and God bless.

Gratefully Yours,


Marie Assa'ad-Faltas, MD, MPH

c.c.: Austin Woods Apartments

RECEIVED
NOV 27 2018
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Marie Assa'ad-Faltas,)
)
Appellant,)

-vs-)

Austin Woods Apartment,)
)
Respondent.)

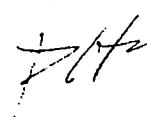
ORDER

C.A. No. 2018-CP-40-00963

RICHLAND COUNTY
FILED
2018 NOV 27 AM 9:19
JEANETTE W. HORNDE
C.C.P. & G.S.

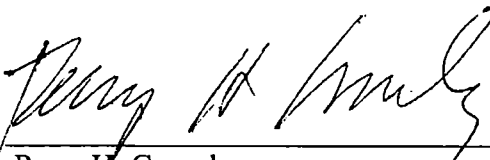
This matter came before the court on August 10, 2018 on an eviction appeal from Magistrates Court. Appellant was proceeding pro se and no one appeared on behalf of Respondent. Initially, the Court dismissed the appeal and Appellant filed a Motion for Reconsideration which was denied and then Appellant filed an Emergency Motion for Relief from Judgment while also filing an Appeal with the South Carolina Court of Appeals. Since no final Order had been issued by this Court as to the last Motion, the Court felt it appropriate to proceed with this Order, although there may be an issue if it still has appropriate authority to do so in light of the Appeal.

Upon further review of the record, the Court notes that Respondent did not attend the hearing nor has participated in the various Motions or appeal in anyway. The initial Order denying the appeal was based partly on the Appellant's failure to secure counsel in light of the previous Order of the South Carolina Supreme Court and the failure to perfect her Appeal from Magistrate's Court. Since there may be an issue of whether the appeal was perfected and proper notice provided to the Respondent and whether the referenced Order from the Supreme Court applies to an appeal from Magistrate's Court, this Court has determined that it would be appropriate for this Appeal be heard and the previous Order dismissing the Appeal is hereby rescinded and Appellant's Appeal



from the Magistrate's Eviction should be placed on the Non-Jury docket for further proceedings if not conflicting with any rules or orders of the South Carolina Court of Appeals.

It is so Ordered.



Perry H. Gravely
Presiding Judge

November 19, 2018
Pickens, South Carolina

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2018CP4000963**

Marie Assa Ad Faltas		Austin Woods Apartments	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

RICHLAND COUNTY
FILED
2018 NOV 27 AM 9:31
JEANETTE W. MORRIS
C.C.P. & G.S.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	Judge Code	Date
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For Clerk of Court Office Use Only

This judgment was entered on _____, and a copy mailed first class or placed in the appropriate attorney's box on **November 27, 2018**, to attorneys of record or to parties (when appearing pro se) as follows:

Marie Assa Ad Faltas P.O. Box 9115 Columbia, SC 29290

Austin Woods Apartments Rental Office 7648 Garners Ferry Rd Columbia, SC 29209

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Court Reporter

Jeanette W. McBride - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

MARIE ASSA'AD-FALTAS

AUSTIN WOODS APARTMENTS

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: NEWMAN, J

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

2018 NOV 27 AM 11:07
JEANE E. WYNAL
C.P. & S.S.
RICHLAND COUNTY
FILED

Appellant's Motion for Relief from Judgment (filed on August 27, 2018) is MOOT. See Order filed November 27, 2018.

Appellant's Motion for Appointment of Counsel (filed on August 27, 2018) is CONTINUED. Judge Jocelyn Newman is RECUSED from this matter.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Jocelyn Newman
Circuit Court Judge

2757
Judge Code

November 27, 2018
Date

