

FORM 13
BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 16 2019

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

D. CRAIG BROWN, Circuit Court Judge

Case No. 19-CP-26-0928

BOOE REALTY

Respondent,

v.

THOMAS E. SITARIK

Appellant.

INITIAL BRIEF OF APPELLANT

THOMAS E. SITARIK
5302 STONEGATE DRIVE
NORTH MYRTLE BEACH, SC 29582
843-390-9300
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Arguments

 1. THE CIRCUIT COURT ERRORED IN ITS DECISION SHOWING NO ERROR
 BY THE MYRTLE BEACH MAGISTRATE COURT.....

 2. THE CIRCUIT COURT DID NOT ALLOW A JURY TRIAL FOR THE
 APPEAL, IT WAS CLEARLY ASKED FOR IN FILINGS

Conclusion2

S.C. Code Ann. § 27-40-10 (1986) 2
SC JUDICIAL RULE 24

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STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT ERR IN FAILING TO FIND THIS ACTION IS BARRED
2. DID THE COURT ERR IN ALLOWING THE WRIT OF EJECTMENT TO STAND AND DENY THE APPEAL

STATEMENT OF THE CASE

On Feb 15, 2019 BOOE realty filed an eviction action against sitarik, Thomas. The case was heard at Myrtle Beach Magistrate Court and eviction was granted to Booe realty. Sitarik filed an appcal with Horry County Circuit Court. Case was heard 5/15/19 and circuit court denied the appcal . The facts of the appeal have not been addressed as of yet. This is the reason for appeal.

FACTS

The Circuit court did not address the fact that Booe realty did not have any non lawyer authorization on file and failed to present this form at court . Booe realty acted as an attorney for the owner of the rental property and conducted an illegal representation to the magistrate court , therefore any further proceedings should be voided as fruit of the poisoned tree,

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ARGUMENTS

- I. BOOE REALTY ACTED ILLEGALLY PER THE SOUTH CAROLINA STATE LAW AND THE MAGISTRATES COURT AND CIRCUIT COURT DID NOT AND FAILED TO ADDRESS THIS GROSS INJUSTICE TO SITARIK BY FAILING TO DISMISS CASE AND ORDER A RETRIAL AT THE MYRTLE BEACH MAGISTRATE COURT.

CONCLUSION

For the reasons statcd, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

MAY 16, 2019

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