

**FORM 15  
RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Common Pleas

Alison Renee Lee, Circuit Court Judge

---

Case No. 2018-CP—32-01221  
Appellate Case No.: 2018-002134

**RECEIVED**  
MAY 07 2019  
SC Court of Appeals

Bryan Walling .....  
Respondent

v.

Judi Castro d/b/a A Mother's Prayer .....  
Appellant

---

**RECORD ON APPEAL**

---

Lawrence Keitt, Esquire  
Law Office of Lawrence Keitt  
Post Office Box 811  
Orangeburg, SC 29116  
SC Bar No. 3341  
(803) 531-2379  
ATTORNEY FOR APPELLANT

Bryn C. Sarvis, Esquire  
Sarvis, Law, LLC  
3424 Augusta Highway  
Gilbert, SC 29054  
(803) 785-5525  
ATTORNEY FOR RESPONDENT

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STATE OF SOUTH CAROLINA )  
)  
COUNTY OF LEXINGTON )  
)  
)  
)  
)

2018CV321100412  
CIVIL CASE NUMBER

E

IN THE MAGISTRATE'S COURT  
WRIT OF EJECTMENT

Bryan Walling  
2402 MARK CT  
ELGIN, SC 29045  
(803) 309-0518

3/21/18 8:47am  
left 1/1m  
dit

PLAINTIFF(S)  
Vs

Judi Castro  
Dba A Mothers Prayer  
117 South Main St  
Gaston, SC 29053

BE OUT BY: MARCH 20, 2018 @ 4:45pm

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the 19th day of March, 2018, you are hereby Ordered to proceed to the premises located at **Dba A Mothers Prayer  
117 South Main St  
Gaston, SC 29053.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

**If after 24 hours** following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, a **deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

March 19, 2018

Swansea Magistrate Court

McMANUS

, being duly sworn state that:

- I personally served a copy of this Writ on BRAULLIA PINO, an occupant of the rental unit
- On \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: 3/19, 20 18

J.P. McManus  
Sheriff/Deputy Sheriff/Constable

THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP-32-0

Bryan Walling,..... Respondent

v.

Judi Castro,..... Appellant  
d/b/a A Mother's Prayer

**NOTICE OF APPEAL**

Judi Castro appeals the Writ of Ejectment of the Honorable Scott Dean Whittle dated March 19, 2018. Appellant received written notice of the Court's Order on March 19, 2018.

The basis for the appeal is as follows:

1. The parties had a written agreement for the Defendant to make needed repairs out of the rent due the landlord and present the landlord receipts for the repairs instead of the landlord making the repairs which the Appellant fully honored.
  2. The Magistrate refused to take notice of this agreement or consider any of the repair receipts presented by the Appellant at the trial of this matter.
  3. The parties also had entered into a written agreement that the Appellant would pay an extra \$600.00 per month until any arrears on the rental payments were bought current.
- The Magistrate decided against the greater weight of the evidence that this agreement

was not enforceable even though the Appellant presented evidence showing she had honored this agreement.

4. The Magistrate and the Respondent were discussing the Appellant as she entered the Courtroom. Thus, she is informed and believes that she did not receive a fair trial because of this ex parte communication.
5. The Magistrate required all of the Appellant's property be removed by March 20, 2018 and issued a no trespass notice to the Appellant after that date which denied the Appellant a reasonable opportunity to retrieve her property.

s/Lawrence Keitt  
Lawrence Keitt, Esquire  
S.C. Bar No. 3341  
Attorney for the Plaintiff  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, South Carolina 29116  
(803) 531-2379  
lkparalegal@sc.rr.com

April 6, 2018  
Orangeburg, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
Judi Castro d/b/a (Appellant) )  
A Mothers Prayer )  
VS. )  
 )  
Bryan Walling (Respondent) )

2018-CP-32-01221

**RETURN OF CIVIL APPEAL**

---

This civil appeal originates from the Lexington County District Four Magistrates Court, where the respondent filed an eviction to dispossess the appellants from their rental property for failure to pay rent.

**Facts of the case**

On February 26, 2018, the respondent filed an application for ejection for the tenants occupying their commercial property located at 117 South Main Street in the Gaston area of Lexington County. The respondent claimed in their filings that the appellants had failed to pay rent when due or demanded. (Exhibit A)

On February 27, 2018 at 2:00 PM, Deputy Hellman, with the Lexington County Sheriff's Dept. served, personally, the Rule to Vacate issued by this office to Devin Salas an employee of the appellant. (Exhibit B)

The appellant requested a hearing on March 9, 2018, which was held on March 19, 2018 at 9:00 AM. (Exhibit C)

### **The Hearing**

Present at the hearing were the respondent, Bryan Walling, represented by, Holly Marie Sarvis-Patterson Esq. and Judi Castro, who appeared late for the hearing and appeared pro se .

The respondent testified that the appellant was in arrears and that he has not received a "full Payment" of \$2600.00 a month since December 2017.

The appellant testified they had agreed to \$2600.00 monthly at \$1300.00 every two weeks in order for her to catch up past arrearages. The appellant testified that the respondent refused to accept rent for the month of February 2018 when she attempted to pay. The appellant testified that the respondent refused rent because she had withheld a portion for repairs which had to be performed. Appellant testified that she and the respondent had agreed to allow her to withhold rent for repairs and that she had also withheld a portion of rent for electrical repairs.

The respondent testified that a check for rent dated January 9, 2018 for the portion of January rent, less repairs, for \$1007.00 was returned for Non-sufficient Funds, and that the check was not paid and did not clear until February 23, 2018 which was the cause of the arrearages.

(Exhibit D)

The respondent testified that on February 9, 2018 the appellant was notified to be out of the property.

Appellant admit that the check for \$1007.00 issued for rent on January rent was dishonored and as a result did not clear the bank until February 23, 2018.

### **Ruling by the court**

There was no dispute the check dated January 9, 2018 for the portion of January rent was returned for non-sufficient funds and not paid by the bank until February 23, 2018 and that as a

result that amount was in arrears as of the filing of the eviction. Therefore the court issued a writ to dispossess the tenant from the rental property.

The tenant appeals based on the following:

1.

**The parties had a written agreement for the defendant to make needed repairs out of the rent due to the landlord and present the landlord receipts for the repairs instead of the landlord making the repairs which the appellant fully honored.**

The record reveals, that in fact, the respondent did agree that the appellant could make repairs and deduct from rent the costs, which is why the check, which was returned unpaid, was in an amount of \$1007 instead of \$1300.

2.

**The magistrate refused to take notice of this agreement or consider any of the repair receipts presented by the appellant at the trial of this matter.**

The record reflects, as stated above, there was in fact an agreement and the court did in fact consider it, however the issue was non-payment of rent on January 9<sup>th</sup>, by a check which was return non-sufficient funds and as a result the appellant was in arrears until February 23, 2018 when the check was paid.

3.

**The parties had entered into a written agreement that the appellant would pay \$600.00 per month until any arrears on the rental payments were brought current. The magistrate decided against the greater weight of the evidence that this agreement was not enforceable even though the appellant presented evidence showing she honored this agreement.**

The record reflect that there was in fact a prior agreement for the appellant to begin paying arrearages from a prior eviction action. As a result of that agreement the appellant was to be paying \$1300.00 twice a month until the arrearages were paid. The appellant however violated that agreement by virtue of a dishonored check for rent on January 9, 2018.

4.

**The magistrate and respondent were discussing the appellant as she entered the courtroom. Thus, she is informed and believes that she did not receive a fair trial because of this ex parte communications.**

The record reflects that the court hearing had begun without the appellant because she arrived late. The court allowed extra time for the appellant to arrive, however decided to begin since there was no word from the appellant. She soon arrived.

5.

**The magistrate required all of the appellant's property to be removed by March 20, 2018 and issued a no trespassing notice to the appellant after that date which denied the appellant a reasonable opportunity to retrieve her property.**

The record reflects, the court found for the respondent and allowed five days for the respondent to apply for a writ of ejectment. The respondent applied the same day, the writ of ejectment was served by Deputy McManus on March 19, 2018 at 4:45 PM. ( Exhibit E ) The record does not indicate a notice of trespass for the appellant. The 24 hour time period is prescribed by law.

**SECTION 27-37-100.** Effect of verdict for plaintiff.

If the verdict be for the plaintiff the magistrate shall within five days issue a writ of ejectment and the tenant shall be ejected by the constable or special constable or the sheriff of the county.

HISTORY: 1962 Code Section 41-110; 1952 Code Section 41-110; 1946 (44) 2584.

**SECTION 27-37-160.** Execution of writ of ejectment.

In executing a writ of ejectment, the constable or deputy sheriff shall proceed to the premises, present to the occupants a copy of the writ and give the occupants twenty-four hours to vacate voluntarily. If the occupants refuse to vacate within twenty-four hours or the premises appear unoccupied, the constable or deputy sheriff shall announce his identity and purpose. If necessary, the deputy sheriff, but not a constable, may then enter the premises by force, using the least destructive means possible, in order to effectuate the ejectment. If the premises appear to be occupied and the occupant does not respond, the constable or deputy sheriff shall leave a copy of the writ taped or stapled at each corner and attached at the top of either the front or back door or in the most conspicuous place. Twenty-four hours following the posting of the writ, if the occupants have not vacated the premises voluntarily, the deputy sheriff, but not a constable, may then enter the premises by force, using the least destructive means possible, in order to effectuate the ejectment. Discretion may be exercised by the constable or deputy sheriff in granting a delay in the dispossession of ill or elderly tenants.

Respectfully submitted, this 10<sup>th</sup> day of April, 2018.

---

Scott D. Whittle  
Magistrate  
500 Charlie Rast Road  
Swansea SC 29160

A

2018/0412

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

Name: Bryan W. Whittle, Jr. )

Address: 2022 Market St )

Florence, SC 29505 )

Telephone: 803-309-0518 )

PLAINTIFF(S) )

VS. )

APPLICATION FOR  
EJECTMENT  
(Eviction)

Name: Juli Castro POA A. MONTGOMERY )

Address: 117 South Main St )

Charleston, SC 29405 )

Telephone: 803-796-4030 )

DEFENDANT(S) )

Tenant Owns Mobile Home

I, Bryan W. Whittle, Jr. plaintiff in this action, state that I am the landlord-lessor of premises within the jurisdiction of Magistrate Whittle which is described as: (address and description of premises - apartment, house, etc.)

117 South Main St Charleston SC 29405

I further state that, with regard to the above described premises, a landlord-tenant relationship exists between myself and the defendant Juli Castro, the tenant-lessee, as evidenced by the following: (Attach lease papers or other written proof.)

Grounds for this ejectment are one or more of the following:

- The tenant fails or refuses to pay the rent when due or when demanded; or
- The term of tenancy or occupancy has ended; or
- The terms or conditions of the lease have been violated as follows:

Sworn to before me  
this 26 day of Feb, 2018

[Signature]  
Magistrate or Notary Public for South Carolina  
My Commission expires: 3/10/2025

[Signature]  
PLAINTIFF (or his attorney)

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

2018CV321100412  
CIVIL CASE NUMBER  
MAGISTRATE'S COURT  
RULE TO VACATE OR SHOW CAUSE

B

Bryan Walling  
2402 MARK CT

ELGIN, SC 29045  
(803) 309-0518

PLAINTIFF(S)  
Vs

Judi Castro  
Dba A Mothers Prayer  
117 South Main St  
Gaston, SC 29053

DEFENDANT(S)

Upon the application of the Plaintiff(s) listed above, which states:

TENANT HAS FAILED TO PAY RENT WHEN DUE OR DEMANDED.

You the defendant(s) or lessee(s) of the premises located at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code of Laws Section 27-37-10 or contact the:

Swansea Magistrate Court,  
500 Charlie Rast Road  
Swansea, SC 29160  
(803) 785-6250

within ten (10) days excluding date of service, for the purpose of showing why you and all occupants should not be ejected from these premises.

FAILURE TO VACATE THE PREMISES OR TO RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

Monday, February 26, 2018

JUDGE, Swansea Magistrate Court

Personally appeared before me, the undersigned deponent, being duly sworn, says that he attempted to serve the Rule to Vacate or Show Cause on Judi Castro on:

DATE TIME INITIALS

1 2-27-18 1400 [Signature]

2. \_\_\_\_\_

3. \_\_\_\_\_

DATE OF SERVICE \_\_\_\_\_

TIME OF SERVICE \_\_\_\_\_

SETTLED/DATE \_\_\_\_\_

VACANT/DATE \_\_\_\_\_

Sworn to and subscribed before me

PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT:

This 28<sup>th</sup> day of Feb., 2018.

Devin Salas - Employee

NOTARY PUBLIC OR JUDGE

SIGNATURE OF SERVER

On \_\_\_\_\_ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT.

MAGISTRATE'S CLERK

C

Civil Case Number

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

\_\_\_\_\_ )

\_\_\_\_\_ )

\_\_\_\_\_ )

PHONE \_\_\_\_\_ )

PLAINTIFF(S) )

VS. )

Judi Castro )

117 S main st )

Castm SC 29053 )

PHONE 803796-4030 )

DEFENDANT/TENANT )

REQUEST FOR HEARING  
RULE TO VACATE OR SHOW CAUSE

I, Judi Castro, the tenant in the above action request a hearing base on the

following reasons:

I made an agreement with Brian Walling to make payment  
of 2600 per month. And to due what work needed to Be done  
and attach receipts to Be included in payment. Mr Walling  
show receipts - and he didn't separate  
the Rent from Bulwer so he couldn't see  
Break Down The paper attached  
shows our agreement was being kept.

DATED THIS 9th DAY OF March, 2018.

TENANT SIGNATURE

I UNDERSTAND MY HEARING WILL BE HELD ON:

Mon March 19, 2018 AT 9:00

Judi R Castro

SIGNATURE OF TENANT

LOCATION:

500 CHARLIE RAST ROAD

SWANSEA, SC 29160

# SYNOVUS®

PL-1

D, 1



1342669 0220 1 000020 000001 001/001 HPS 165  
E T WALLING  
237 LELAND RD  
GASTON SC 29053-9245

**Account Ending: 3201**

**Maker Information**

Written on account ending: 4465

02/20/2018

Date of Deposit: 02/15/2018

Check Number: 0000002826

Reason: INSUFFICIENT FUNDS

Check Amount: \$1007.00

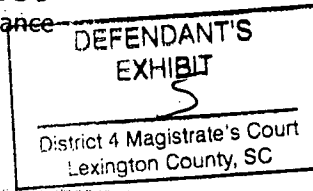
We had to delay the availability of funds from the check described above because we received notice that this check will be returned unpaid by the originating bank. We value your business and apologize for this inconvenience.

The funds will be delayed for three (3) business days from the date of this letter or until the check is received for processing. Once the check is received, the hold will be released. At that time, your account will be debited or action can be taken to redeposit the check at your request. If you have any questions, please contact a bank representative or visit one of our convenient branch locations.

If you did not receive this notice at the time you made the deposit and the check you deposited is paid, we will refund to you any fees for overdrafts or returned checks that result solely from the additional delay that we are imposing. Thank you for banking with us. We appreciate your business.

Aspire Me To Prosper  
...4465

\$806.89  
Available balance



D2

Activity Summary

Ending collected balance as of 03/16/18

Current posted balance

Pending withdrawals/debits

Pending deposits/credits

Available balance

\$821.23

\$821.23

-\$14.34

\$0.00

\$806.89

Monthly Service Fee Summary

Activity

- First
- Previous
- Next

Date	Description	Deposits/Credits	Withdrawals/Debits
------	-------------	------------------	--------------------

Pending Transactions

No pending transactions to view.

Posted Transactions

03/12/18	DEPOSITED OR CASHED CHECK # 2834		\$200.00
03/09/18	CHECK # 2835		\$250.00
02/26/18	DEPOSITED OR CASHED CHECK # 2833		\$483.10
02/23/18	Check # 2826 (Converted ACH) ETWALLING3201 REDEPCHECK 2826 Judi R Castro # 2826		\$1,007.00
02/12/18	CASHED CHECK # 2827		\$192.33
02/08/18	DEPOSITED OR CASHED CHECK # 2890		\$150.00
02/05/18	CHECK # 2891		\$100.00
01/29/18	CHECK # 2889		\$100.00
01/29/18	DEPOSITED OR CASHED CHECK # 2824		\$508.59
01/19/18	CHECK # 2888		\$1,300.00
01/19/18	CHECK # 2883		\$575.00
01/12/18	CASHED CHECK # 2885		\$386.50
01/10/18	CHECK # 2884		\$200.00
01/09/18	CHECK # 2840		\$150.00
01/08/18	CHECK # 2880		\$484.07

<b>Totals</b>		<b>\$0.00</b>	<b>\$7,803.94</b>
---------------	--	---------------	-------------------

P3



E T WALLING \*3201  
DBA GASTON MINI STORAGE  
GASTON, SC 29053-9245

Activity Summary

New Count	New Amount	Recovered Count	Recovered Amount
1	\$1,007.00	0	\$0.00

New Item Details

Signature	Check #	Check Date	Return Date	Return Reason	Amount
Judi R Castro	2826	01/09/2018	02/15/2018	NSF	\$1,007.00

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF LEXINGTON )  
)  
)  
)  
)  
)

2018CV321100412  
CIVIL CASE NUMBER

E

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Bryan Walling  
2402 MARK CT  
ELGIN, SC 29045  
(803) 309-0518

3/21/18 8:47am  
left v/m  
dt

PLAINTIFF(S)

Vs

Judi Castro  
Dba A Mothers Prayer  
117 South Main St  
Gaston, SC 29053

BE OUT BY: MARCH 20, 2018 @ 4:45pm

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the 19th day of March, 2018, you are hereby Ordered to proceed to the premises located at **Dba A Mothers Prayer**  
**117 South Main St**  
**Gaston, SC 29053.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

**If after 24 hours** following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

March 19, 2018

Swansea Magistrate Court

McMANUS

, being duly sworn state that:

- I personally served a copy of this Writ on BRAULIA PINO, an occupant of the rental unit
- On \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: 3/19, 2018

J.P. McManus  
Sheriff/Deputy Sheriff/Constable

ELECTRONICALLY FILED - 2018 Dec 19 2:39 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )  
 Judy Castro (Appellant) )  
 Dba A Mothers Prayer )  
 )  
 VS. )  
 )  
 Bryan Walling )  
 (Respondent(s))

2018-CP-32-01221

**ORDER VACATING  
STAY OF EJECTMENT**

*A*

On April 6, 2018, the appellant filed an appeal with the Court of Common Pleas. This court was served on April 6, 2018 with this appeal.

The appellant and respondent were advised of a hearing to be held on April 11, 2018 at 9:00 am to determine Bond to Stay Execution on appeal consistent with SC Code 27-37-130 and accrual of rent consistent with 27-37-150.

On April 11, 2018, the appellant appeared represented by Lawrence Keitt Esquire, the respondent appeared represented Holly-Marie Sarvis Patterson. At the hearing the respondent requested the appellant maintain rental payments of \$2500.00 monthly during the pendency of the appeal. Since the agreed upon rent in the original agreement was \$2600.00 monthly the court found \$2500.00 monthly was reasonable. The court ordered the appellant to maintain the rent during the pendency of the appeal. (exhibit 1)

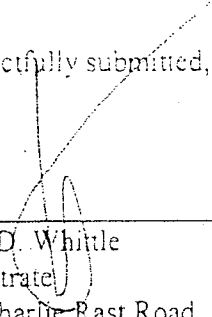
Pursuant to 27-37-130 the court required the appellant to post an appeal bond in the amount of \$7500.00, which the appellant should file with the court no later than Five o'clock PM on April 18, 2018.

As of April 19, 2018 the appellant has failed to post the appeal bond as required with the

Court.

Therefore the appeal should be dismissed and the respondent put in possession of the rental property.

Respectfully submitted, this 19<sup>th</sup> day of April 2018, by



---

Scott D. Whittle  
Magistrate  
500 Charlie Rast Road  
Swansea SC 29160

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

2018CV 21100412  
CIVIL CASE NUMBER  
MAGISTRATE'S COURT  
RULE TO VACATE OR SHOW CAUSE

Bryan Walling  
2402 MARK CT

ELGIN, SC 29045  
(803) 309-0518

PLAINTIFF(S)  
Vs

Judi Castro  
Dba A Mothers Prayer  
117 South Main St  
Gaston, SC 29053

DEFENDANT(S)

Upon the application of the Plaintiff(s) listed above, which states:

TENANT HAS FAILED TO PAY RENT WHEN DUE OR DEMANDED.

You the defendant(s) or lessee(s) of the premises located at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code of Laws Section 27-37-10 or contact the:

Swansea Magistrate Court,  
500 Charlie Rast Road  
Swansea, SC 29160  
(803) 785-6250

within ten (10) days excluding date of service, for the purpose of showing why you and all occupants should not be ejected from these premises.

FAILURE TO VACATE THE PREMISES OR TO RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

Monday, February 26, 2018

JUDGE, Swansea Magistrate Court

Personally appeared before me, the undersigned deponent, being duly sworn, says that he attempted to serve the Rule to Vacate or Show Cause on Judi Castro on:

DATE	TIME	INITIALS
2-27-18	1400	[Signature]
2.		
3.		

DATE OF SERVICE	_____
TIME OF SERVICE	_____
SETTLED/DATE	_____
VACANT/DATE	_____

Sworn to and subscribed before me

PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT:

This 28<sup>th</sup> day of Feb., 2018.

Devin Salas - Employee

[Signature]  
NOTARY PUBLIC OR JUDGE

[Signature]  
SIGNATURE OF SERVER

On \_\_\_\_\_ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT.

MAGISTRATE'S CLERK

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP3201221

Judi Castro et al  
PLAINTIFF(S)

Bryan Walling  
DEFENDANT(S)

**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.
- 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, 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:

Appeal is denied.

**ORDER INFORMATION**

This order  ends  does not end the case.

See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/25/2018 .

Bryan Walling for Bryan Walling  
 Scott Whittle  
 A Mothers Prayer  
 Bryan Walling for Bryan Walling  
 Judi Castro  
 Holly-Marie Sarvis Patterson for Bryan Walling

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

---



Lexington Common Pleas

**Case Caption:** Judi Castro , plaintiff, et al VS Bryan Walling

**Case Number:** 2018CP3201221

**Type:** Order/Electronic Form 4

So Ordered

s/ R. Knox McMahon, #2145

Electronically signed on 2018-06-25 13:46:23 page 3 of 3

THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP-32-0

Bryan Walling,..... Respondent

v.

Judi Castro,..... Appellant  
d/b/a A Mother's Prayer

**NOTICE OF AND MOTINO FOR RECONSIDERATION**

**TO: THE HONORABLE R. KNOX MCMAHAN AND HOLLY-MARIA SARVIS PATTERSON, ESQUIRE, ATTORNEY FOR RESPONDENT**

YOU WILL TAKE NOTICE hereby that the Appellant by and through her undersigned counsel will move on the tenth (10th) day following service hereof or as soon thereafter as counsel maybe heard for an order of the Court reconsidering its decision of the Court on the Appellants appeal of her eviction proceeding.

Said Motion is made pursuant to Rule 59(E) of the Rules of Civil Procedure for the State of South Carolina and is based upon a failure of the Court to State a reason for its denial of the Defendant's appeal.

**\*\*\* SIGNATURE PAGE TO FOLLOW \*\*\***

s/Lawrence Keitt  
Lawrence Keitt, Esquire  
S.C. Bar No. 3341  
Attorney for the Plaintiff  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, South Carolina 29116  
(803) 531-2379  
lkparalegal@sc.rr.com

July 6, 2018  
Orangeburg, SC

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

JUDI CASTRO, )  
)  
PLAINTIFF, )  
)  
-VS- )  
)  
BRYAN WALLING, )  
)  
DEFENDANT. )  
\_\_\_\_\_ )

2018-CP-32-01221

TRANSCRIPT OF RECORD

AUGUST 7, 2018  
LEXINGTON, SOUTH CAROLINA

BEFORE:

THE HONORABLE ALISON RENEE LEE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

LAWRENCE KEITT, ESQ.

ATTORNEY FOR DEFENDANT:

BRYN C. SARVIS, ESQ.

SUSAN W. HUDGINS  
CIRCUIT COURT REPORTER

INDEX

WITNESS

PAGE NO.

CERTIFICATE OF REPORTER

8

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
-----------	--------------------	-----------	-----------------

(No Exhibits Were Presented During This Hearing)

1           **THE COURT:** The next matter I have is Judi Castro  
2 versus Bryan Walling or Walling. It's docket number 2018-  
3 CP-32-01221.

4           **MR. KEITT:** Good morning, Your Honor. Lawrence Keitt  
5 representing Ms. Castro.

6           **THE COURT:** Good morning. Mr. Keitt represents the  
7 plaintiff, Judi Castro. On behalf of the defendants?

8           **MS. SARVIS:** Bryn Sarvis, Your Honor.

9           **THE COURT:** And who are you representing, ma'am?

10          **MS. SARVIS:** Bryan Walling, the respondent.

11          **THE COURT:** And you, sir?

12          **MR. WALLING:** Bryan Walling.

13          **THE COURT:** Is that the only respondent?

14          **MS. SARVIS:** That's correct, Your Honor.

15          **THE COURT:** Okay. I just wanted to make sure I wasn't  
16 missing something.

17                 We're here on a motion to consider. I believe what  
18 occurred was that Judge McMahon had heard the initial appeal  
19 and issued an order. It was basically a form order that  
20 denied the appeal. And there was a motion to reconsider.  
21 And since he's no longer on the bench, that leaves me to  
22 hear that matter. So, yes, sir, I'll be happy to hear you.

23          **MR. KEITT:** Thank you, Your Honor. Motion to  
24 reconsider, obviously, is based on the fact that the form  
25 order does not give us any basis for his decision. And,

1 therefore, we have no basis to advise our client as to  
2 whether or not a further appeal is appropriate.

3 And, Your Honor, I'd ask the Court to issue an order  
4 stating that the facts -- a rehearing -- so that we'll have  
5 a new hearing on that matter. Obviously I think that with  
6 Judge McMahon's retirement, that is the only appropriate  
7 remedy available here.

8 **THE COURT:** Any response?

9 **MS. SARVIS:** Yes, Your Honor. May it please the Court?  
10 As an initial matter I'll note that the motion is untimely.  
11 The judge -- it's an E-Filed case. And the judge's order  
12 was filed on 6/25. The motion would have been due on 7/5  
13 due to the July 4th holiday. This was not filed until July  
14 the 12th, long past the ten days that Rule 59 requires for a  
15 filing for a motion for reconsideration.

16 Additionally, Your Honor, I'm not aware of any  
17 circumstance where the court sitting as an appeals court in  
18 this circumstance is required to actually issue findings  
19 because the court here was not a trier of fact, this was not  
20 a judgement on the verdict.

21 The motion here makes no reference whatsoever to the  
22 merits of the decision. So there's not much for the Court  
23 to go on in that regard. Obviously, the ruling on the  
24 merits is appropriate.

25 But the other issue, Your Honor, is this magistrate

1 level required her to post an appeal bond of seventy-five  
2 hundred dollars (\$7500.00) as the record reflects. And Ms.  
3 Castro did not post the bond. So she's got, in our opinion,  
4 she has several obstacles to try and pursue this motion  
5 today, Your Honor, most significantly being the timeliness.

6 **THE COURT:** And you said it was initially filed on the  
7 25th?

8 **MS. SARVIS:** Of June.

9 **MR. KEITT:** Your Honor, my record reflects that the  
10 motion for reconsideration was filed on July 6th, which is  
11 well within that ten day period.

12 **MS. SARVIS:** Your Honor, that's not actually within the  
13 ten day hearing [sic], but there's an affidavit of service  
14 saying that wasn't done until the 12th of July. It's signed  
15 the 6th, but there's nothing -- and it wasn't E-Filed that  
16 day either.

17 **MR. KEITT:** It was served on the 12th of July, but it  
18 was filed that day, Your Honor.

19 **THE COURT:** What the record seems to reflect here is  
20 that it was electronically filed on July the 12th at 11:16  
21 am. It appears to have been signed or at least the  
22 signature page reflects that it was July the 6th. The  
23 initial order from Judge McMahon was filed on June the 25th  
24 of 2018. And the signature -- his signature was affixed on  
25 June the 25th at about, I think, 1:46 pm. And it was filed

1 about 3:30 pm the same day.

2 **MR. KEITT:** I'm sorry, Your Honor, I stand corrected.  
3 We sent our client a letter dated July 6th advising her that  
4 we needed the twenty-five dollar (\$25.00) filing fee.

5 **THE COURT:** Okay. And the notification of electronic  
6 filing -- the certificate of service, I'm sorry, indicates  
7 that it was mailed on July the 12th. That was also  
8 electronically filed the same day. And I think the notice  
9 of electronic filing was also on July the 12th, the  
10 certificate of service.

11 **MR. KEITT:** Yes, Your Honor.

12 **THE COURT:** Any additional information, Mr. Keitt?

13 **MR. KEITT:** Nothing else, Your Honor.

14 **THE COURT:** I'll review the information. I'll look a  
15 little further into the file, and then I'll end up doing an  
16 order. It appears that it may be outside the requisite time  
17 period for filing, but I'll look at all that again outside  
18 of the heat of the moment.

19 **MR. KEITT:** Thank you, Your Honor.

20 **MS. SARVIS:** Thank you, Your Honor.

21 **THE COURT:** Thank you.

22 (Hearing Ended at 11:22 am)

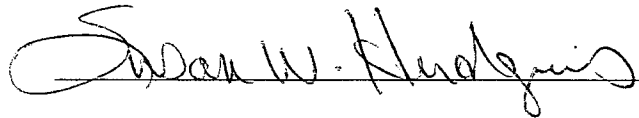
23 (End of Requested Transcript of Record)

## Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Lexington County, South Carolina, on the 7th day of August 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 31, 2018

A handwritten signature in cursive script, reading "Susan W. Hudgins", written over a horizontal line.

Circuit Court Reporter

Judi Castro et al  
PLAINTIFF(S)

Bryan Walling  
DEFENDANT(S)

**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.
- 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, 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:

Judi Castro's motion to reconsider the decision in the appeal is denied as untimely. The Order denying the appeal was filed and served on June 25, 2018. Pursuant to Rule 59, Appellant had 10 days to file the motion. The motion was filed on July 12, 2018, more than 10 days after the service and receipt of the decision through e-filing.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/08/2018 .

Holly-Marie Sarvis Patterson for Bryan Walling  
Bryan Walling for Bryan Walling  
Scott Whittle  
Bryan Walling for Bryan Walling

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---



Lexington Common Pleas

**Case Caption:** Judi Castro , plaintiff, et al VS Bryan Walling

**Case Number:** 2018CP3201221

**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

s/ Alison Renee Lee, Chief Administrative Judge

Electronically signed on 2018-08-08 11:14:57 page 3 of 3

THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP-32-01221

Bryan Walling,..... Respondent

v.

Judi Castro,..... Appellant  
d/b/a A Mother's Prayer

MOTION FOR RECONSIDERATION

The Appellant hereby request this Court to Reconsider its decision denying Appellant's Motion for Reconsideration of the order of The Honorable Knox R. McMahon denying the Appellant's appeal of the decision of the Magistrate in this matter.

The basis for the denial by this Court was the belief that the Motion for Reconsideration was field late. The Appellant would show that the last day to file her Motion for Reconsideration was July 6, 2018. The Appellant would further show that there was an attempt to file the Motion on July 6, 2018 but that the Clerk of Court's electronic filing system would not accept the document. Further, three days later the Appellant's counsel was told the document was not accepted by the system because he

had not filed a Notice of Appearance in this matter. This even through the same counsel filed the Notice of Appeal.

Appellant is informed and believes that there is no requirement in the South Carolina Rules of Civil Procedure which require the filing of a Notice of Appearance before a pleading would be accepted by the Office of the Clerk of Court.

Since the error was in the Clerk of Court's electronic filing system the Appellant request that this Court waive the late filing and hear Appellant's Motion for Reconsideration.

In support of this Motion I am attaching copies of the communication between counsel and the Clerk of Court's Office.

Respectfully,

s/Lawrence Keitt  
Lawrence Keitt, Esquire  
S.C. Bar No. 3341  
Attorney for the Plaintiff  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, South Carolina 29116  
(803) 531-2379  
lkparalegal@sc.rr.com

Other Counsel of Record:

Holly-Marie Sarvis Patterson, Esquire  
355 N. Main Street  
Gaston, SC 29053

**Latasha**

---

**From:** efiledonotreply@sccourts.org  
**Sent:** Monday, July 9, 2018 12:05 PM  
**To:** lkparalegal@sc.rr.com  
**Cc:** lawrencekeittandasc@sc.rr.com  
**Subject:** Received Notice: Your filing, Re: 2018CP3201221 - (910) Magistrate Civil Appeal - Petition/Reconsideration, was received

**To:** Lawrence Keitt [lkparalegal@sc.rr.com](mailto:lkparalegal@sc.rr.com)  
**From:** [efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)  
**Date:** 2018-07-06 15:43:18.877  
**Subject:** Your electronic filing, Re: 2018CP3201221 - (910) Magistrate Civil Appeal - Petition/Reconsideration, was received by CIRCUIT COURT.

Case Number: 2018CP3201221  
Case Type: (910) Magistrate Civil Appeal  
Document Type: Petition/Reconsideration

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

ELECTRONICALLY FILED - 2018 Aug 15 5:19 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

**Latasha**

**From:** efiledonotreply@sccourts.org  
**Sent:** Monday, July 9, 2018 12:11 PM  
**To:** lkparalegal@sc.rr.com  
**Cc:** lawrencekeittandasc@sc.rr.com  
**Subject:** Rejection Notice: Your filing, Re: 2018CP3201221 - (910) Magistrate Civil Appeal - Petition/Reconsideration, was rejected

**To:** Lawrence Keitt [lkparalegal@sc.rr.com](mailto:lkparalegal@sc.rr.com)  
**From:** [efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)  
**Date:** 2018-07-06 15:43:18.877  
**Subject:** Your electronic filing, Re: 2018CP3201221 - (910) Magistrate Civil Appeal - Petition/Reconsideration, was rejected by CIRCUIT COURT.

Case Number: 2018CP3201221

Case Type: (910) Magistrate Civil Appeal

Document Type: Petition/Reconsideration

Reason(s) rejected: If you are filing a Motion, you must choose a "Motion..." action type and pay the \$25 motion filing fee. The title of your document also is spelled incorrectly. Jenny 785-8235

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**Latasha**

---

**From:** Latasha [lkparalegal@sc.rr.com]  
**Sent:** Monday, July 9, 2018 3:18 PM  
**To:** 'mhuggins@lex-co.com'  
**Subject:** Case No.: 2018CP3201221

Ms. Huggins:

I am attempting to file a Motion in the above reference matter. However, when it comes time to pay and I have to select pay on behalf of which party the drop down box does not list any options for me to chose from. If you could please call me or e-mail me and let me know how to fix this problem that would be greatly appreciated.

Latasha S. Benjamin  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P.O. Box 811  
Orangeburg, SC 29116  
(803) 531-2379  
Fax: 803-534-2897

ELECTRONICALLY FILED - 2018 Aug 15 5:19 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

**Latasha**

---

**From:** Huggins, Mona Denise [MHuggins@lex-co.com]  
**To:** Latasha  
**Sent:** Monday, July 9, 2018 4:48 PM  
**Subject:** Read: Case No.: 2018CP3201221

Your message

To: Huggins, Mona Denise  
Subject: Case No.: 2018CP3201221  
Sent: Monday, July 9, 2018 3:17:35 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, July 9, 2018 4:47:22 PM (UTC-05:00) Eastern Time (US & Canada).

ELECTRONICALLY FILED - 2018 Aug 15 5:19 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

Judi Castro et al  
PLAINTIFF(S)

Bryan Walling  
DEFENDANT(S)

**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.
- 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, 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:

Plaintiff-Appellant's Motion to Reconsider is DENIED as untimely. Plaintiff-Appellant was electronically served with notice of the original order denying the appeal on June 25, 2018. SCRPC 59 required a response within 10 days of that date, meaning July 5, 2018. Defendant-Appellant attempted to file a Motion to Reconsider on July 6, 2018, which was outside of the filing deadline.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/30/2018 .

Holly-Marie Sarvis Patterson for Bryan Walling  
Bryan Walling for Bryan Walling  
Scott Whittle  
Bryan Walling for Bryan Walling

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**Court Reporter:**

**E-Filing Note:** 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---



Lexington Common Pleas

**Case Caption:** Judi Castro , plaintiff, et al VS Bryan Walling

**Case Number:** 2018CP3201221

**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

s/ Alison Renee Lee

Electronically signed on 2018-10-30 11:01:11 page 3 of 3

88431

ELECTRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING A  
CONVICTION IN MAGISTRATES OR MUNICIPAL COURT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Honorable Allison Renee Lee, Circuit Court Judge

Case No. 2018CP3201221

Bryan Walling ,

Respondent,

v.

Judi Castro,

Appellant.

**RECEIVED**

DEC 03 2018

SC Court of Appeals

**NOTICE OF APPEAL**

Judi R Castro appeals the order of the Honorable Allison Renee Lee dated Oct 30, 2018, which affirmed conviction in Lexington Common Pleas court. Appellant received written notice of the order via mail on November 8, 2018.

November 29 2018

Judi R Castro  
305 Lloydwood Dr.  
West Columbia , South Carolina 29172  
(803) 796-4030  
Appellant

Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM MAGISTRATE COURT  
Court of Common Pleas

Allison Renee Lee, Circuit Court Judge

Case No. 2018CP3201221

Case No : 2018CV321100412

Case No : 2018-CP-32-0

Holly Sarvis-Patterson  
Representative for Bryan  
Walling  
355 N Main St.  
Gaston SC 29053

Respondent,

v

Judi Castro ,

Appellant.

**RECEIVED**

DEC 03 2018

SC Court of Appeals

Notice of Appeal

I Judi Castro Appellant hereby request this Court to Reconsider its declaration deny the Motion of Reconsideration Of The Honorable Allison Renee Lee denying my appeal in the decision of the Magistrate and the motion for reconsideration .

This Decision was based on the belief that the Motion for Reconsideration was filed in an untimely. The then acting Attorney Lawrence Keitt was aware of my desire to follow thru with the th

appeal. I received the correspondence in the mail July 2<sup>nd</sup> 2018 in reference to the verdict . I then spoke with Attorney Keitt who said there was nothing to be done at that time. I ask what was the next course of action in order to be heard . He told me that he would then file a Motion to Reconsider on my behalf .I was not aware of a time frame or that there were issues with the transactions with the clerk of Court until we were in Court in front of Judge Lee. It was then brought to my attention that my representation had not acted in a timely manner. As a result I am being penalize due to actions of My legal representation under Lawrence Keitt he had to have been aware of what this would mean for my case. HE had to have known prior to court that if he had not received the receipt in time from electronic filing the ruling would not be in my favor . I Judi Castro am therefore requesting this appeal to be heard . I have been in business for 20 years the out come of these proceedings have destroyed my lively hood. Evidence that was presented and refused to be seen . Magistrates and Plaintiff in full conversations prior to court proceedings ,and now I have pursued this case because I know that I have been dealt an injustice . I am requesting to be allowed the chance to be heard . Because this error was not of my doing and the legal Representation had to have known that time was of essence he did not represent me to the best of his ability . I am attaching a Copy of his previous I Motion to Reconsider showing his efforts to reconsider.

Respectfully;

Judi Castro/Appeallant

305 LLOYDWOOD DR., WEST COLUMBIA SC 29172

803-796-4030

/Respondant/Counsel

Holly Sarvis Patterson

355 N Main St , Gaston SC 29053

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP -32-0

Bryan Walling

Respondent,

v.

Judi Castro ,  
d.b.a A Mothers Prayer

Appellant.

**RECEIVED**  
DEC 03 2018  
SC Court of Appeals

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Bryan Walling by depositing a copy of it in the United States Mail, postage prepaid, on November 30, 2018, addressed to his attorney of record, Holly Sarvis Patterson, 355 N Main St Gaston, South Carolina 29053 ,and also to his home at 2402 Mark CT,Elgin SC 29045

November 30, 2018

Judi R.Castro  
305 Lloydwood Dr  
West Columbia , South Carolina 29172  
(803)796-4030

LETTER TO THE APPELLATE COURT CLERK  
FILING THE NOTICE OF APPEAL

November 29 2018

RE: Bryan Walling Respondent, v. Judi R Castro , Appellant, Case No.  
2018CP3201221  
: Case No .2018CV321100412  
: Case No 2018-CP-32-0

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) A filing fee of \$250.\*
- [(4) This appeal is being filed with the Supreme Court because a motion for a new trial has been made to alter or amend this judgement .

Sincerely,  
Judi R Castro  
305 Lloydwood Dr.  
West Columbia SC 29172  
(803)7964030  
Appellant

**RECEIVED**

DEC 03 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

---

Case No. 2018CV321100412  
Case No. 2018-CP-32-01221

Bryan Walling..... Respondent

v.

Judi Castro..... Appellant  
d/b/a A Mother's Prayer

---

MOTION FOR RECONSIDERATION

---

The Appellant hereby request this Court to Reconsider its decision denying Appellant's Motion for Reconsideration of the order of The Honorable Knox R. McMahon denying the Appellant's appeal of the decision of the Magistrate in this matter.

The basis for the denial by this Court was the belief that the Motion for Reconsideration was filed late. The Appellant would show that the last day to file her Motion for Reconsideration was July 6, 2018. The Appellant would further show that there was an attempt to file the Motion on July 6, 2018 but that the Clerk of Court's electronic filing system would not accept the document. Further, three days later the Appellant's counsel was told the document was not accepted by the system because he

had not filed a Notice of Appearance in this matter. This even though the same counsel filed the Notice of Appeal.

Appellant is informed and believes that there is no requirement in the South Carolina Rules of Civil Procedure which require the filing of a Notice of Appearance before a pleading would be accepted by the Office of the Clerk of Court.

Since the error was in the Clerk of Court's electronic filing system the Appellant request that this Court waive the late filing and hear Appellant's Motion for Reconsideration.

In support of this Motion I am attaching copies of the communication between counsel and the Clerk of Court's Office.

Respectfully,

s/Lawrence Keitt  
Lawrence Keitt, Esquire  
S.C. Bar No. 3341  
Attorney for the Plaintiff  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, South Carolina 29116  
(803) 531-2379  
lkparalegal@sc.rr.com

Other Counsel of Record:

Holly-Marie Sarvis Patterson, Esquire  
355 N. Main Street  
Gaston, SC 29053

CRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221  
ELECTRONICALLY FILED - 2018 Oct 30 11:42 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP3201221

Judi Castro et al  
PLAINTIFF(S)

Bryan Walling  
DEFENDANT(S)

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.
- 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, 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

Plaintiff-Appellant's Motion to Reconsider is DENIED as untimely. Plaintiff-Appellant was electronically served with notice of the original order denying the appeal on June 25, 2018. SCRPC 59 required a response within 10 days of that date, meaning July 5, 2018. Defendant-Appellant attempted to file a Motion to Reconsider on July 6, 2018, which was outside of the filing deadline.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/30/2018

Holly-Marie Sarvis Patterson for Bryan Walling  
Bryan Walling for Bryan Walling  
Scott Whittle  
Bryan Walling for Bryan Walling

RECEIVED  
DEC 03 2018  
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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ELECTRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221  
ELECTRONICALLY FILED - 2018 Oct 30 11:42 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221



Lexington Common Pleas

**Case Caption:** Judd Castro, plaintiff et al VS Bryan Walling

**Case Number:** 2018CP3201221

**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

s/ Alison Renee Lee

Electronically signed on 2018-10-30 11:01:11 page 3 of 3

ELECTRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221  
ELECTRONICALLY FILED - 2018 Oct 30 11:42 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221






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A CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.

FROM: Judi Castro  
305 Lloydwood Dr  
W. Cola SC 29172

TO:  
Court of Appeals  
P.O. 11629  
Cola SC 29211

EXPECTED DELIVERY DAY: 12/01/18

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THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP-32-01221

Bryan Walling,..... Respondent

v.

Judi Castro,..... Appellant  
d/b/a A Mother's Prayer

**NOTICE OF AND MOTION TO BE RELIEVED AS COUNSEL FOR APPELLANT**

**TO: THE APPELLANT, JUDI CASTRO**

YOU WILL TAKE NOTICE hereby that on the tenth (10) day following service hereof or as soon thereafter as counsel may be heard, the undersigned counsel will move before the Presiding Judge of the Eleventh Judicial Circuit for an Order Relieving counsel of any further duty to represent the Plaintiff/Appellant in the above matter.

Said Motion is made pursuant to the Rules of Court and is supported by the attached Affidavit of Counsel

**\*\*\* SIGNATURE PAGE TO FOLLOW \*\*\***

5

s/Lawrence Keitt  
Lawrence Keitt, Esquire  
S.C. Bar No. 3341  
Attorney for the Plaintiff  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, South Carolina 29116  
(803) 531-2379  
lkparalegal@sc.rr.com

December 19, 2018  
Orangeburg, SC

57

THE STATE OF SOUTH CAROLINA  
In The Court of Common Pleas  
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412  
Case No. 2018-CP-32-01221

Bryan Walling..... Respondent

v.

Judi Castro..... Appellant  
d/b/a A Mother's Prayer

**AFFIDAVIT OF COUNSEL**

I, Lawrence Keitt being first duly sworn now depose and say that I was retained by Ms. Castro on April 3, 2018 to file an Appeal of the Order of ejectment issued to her by the Honorable Scott Dean Whittle, Magistrate for Lexington County. I filed the Notice of Appeal on behalf of Ms. Castro on April 6, 2018.

On April 19, 2018, Judge Whittle issued his order vacating his order of ejectment and establishing a bond of \$7,500.00 together with continuing rental of \$2,500.00 per month to allow Ms. Castor to continue using the rental property at issue in this matter. Ms. Castro was using the property for her day care business.

Following the hearing on April 19, 2018 before the Magistrate I recommended to Ms. Castro that we negotiate the removal of her personal property from the building if she was going to be unable to pay the bond ordered by the Court. Ms. Castro told me that she would get back

to me on the matter. Ms. Castro failed to pay the bond ordered by the Magistrate. A copy of Judge Whittles Order is attached hereto as Exhibit A

On April 20, 2018 we received Judge Whittles order dismissing Ms. Castro's appeal for her failure to pay the bond ordered on April 19, 2018. Even though the Magistrate had dismissed the Appeal in April of 2018, upon receipt of Notice from the Clerk of Court that the Circuit Court would be hearing the Appeal on May 30, 2018 I informed Ms. Castro of this fact by letter dated May, 18, 2018. In this communication I also advised Ms. Castro of the fact that the Appeal would be only on errors of law. Further, I told her that the Appeal would not be a second trial. A copy of my letter of May 18, 2018 is attached hereto as Exhibit B. Ms. Castro never seemed to understand this fact.

Following the hearing of May 30, 2018 we received Judge McMahon's order denying the Appeal electronically on June 25, 2018 and sent it to Ms. Castro on June 26, 2018. Following receipt of the order I spoke to Ms. Castro and told her of her right to request a Reconsideration of the Court's Order. I also told her the filing fee for the Motion was \$25.00.

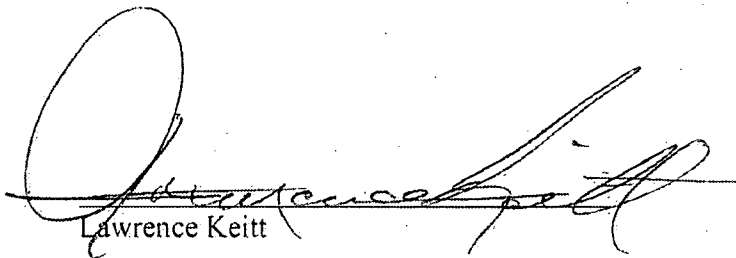
On July 6, 2018 Ms. Castro telephoned me and directed that I file the Motion for reconsideration. It should be noted that July 6, 2018 was the last day to file the Motion. I prepared the Motion for Reconsideration and gave it to my assistant to file on July 6, 2018.

The Motion however was not filed until July 12, 2018. I was told by my assistant the Clerk's Office would not accept the Motion in the electronic system and although she telephoned the Clerk's office on July 6, 2018 for assistance she did not get a return call until July 12, 2018. Thus, the Motion for reconsideration was filed late. At the hearing before Judge Allison Lee, the Respondent raised this fact and by subsequent order Judge Lee dismissed the Motion. I immediately filed a second Motion given the circumstances but that Motion was also dismissed.

While I have aggressively represented Ms. Castro at every stage of this proceeding, I am of the opinion Ms. Castro's appeal has no merit, first because it was dismissed by Judge Whittle because she failed to pay the bond and secondly because when given the opportunity to remove all of her personal property from her former day care by the Defendant her response to me was I don't have any place to put the property.

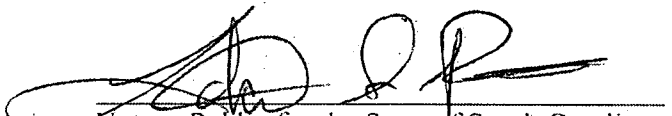
Thus, it appears that Ms. Castro's effort is to continue to use the property as storage for her property even though she does not have the ability to pay the rent on the property.

Therefore, I am informed and believe that the attorney/client relationship has been completely severed in this matter.



Lawrence Keitt

SWORN AND SUBSCRIBED before me  
This 15 th day of December 2018.



Notary Public for the State of South Carolina  
My Commission Expires: November 19, 2025

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF LEXINGTON )  
 )  
 Judy Castro (Appellant) )  
 Dba: A Mothers Prayer )  
 )  
 VS. )  
 )  
 Bryan Walling )  
 (Respondent(s)) )

2018-CP-32-01221

**ORDER VACATING  
STAY OF EJECTMENT**

LEXINGTON A

On April 6, 2018, the appellant filed an appeal with the Court of Common Pleas. This court was served on April 6, 2018 with this appeal.

The appellant and respondent were advised of a hearing to be held on April 11, 2018 at 9:00 am to determine Bond to Stay Execution on appeal consistent with SC Code 27-37-130 and accrual of rent consistent with 27-37-150.

On April 11, 2018, the appellant appeared represented by Lawrence Keitt Esquire, the respondent appeared represented Holly-Marie Sarvis Patterson. At the hearing the respondent requested the appellant maintain rental payments of \$2500.00 monthly during the pendency of the appeal. Since the agreed upon rent in the original agreement was \$2600.00 monthly the court found \$2500.00 monthly was reasonable. The court ordered the appellant to maintain the rent during the pendency of the appeal. (exhibit 1)

Pursuant to 27-37-130 the court required the appellant to post an appeal bond in the amount of \$7500.00, which the appellant should file with the court no later than Five o'clock PM on April 18, 2018.

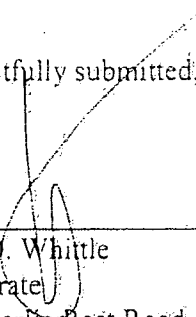
As of April 19, 2018 the appellant has failed to post the appeal bond as required with the

61

Court.

Therefore the appeal should be dismissed and the respondent put in possession of the rental property.

Respectfully submitted, this 19<sup>th</sup> day of April 2018, by



---

Scott D. Whittle  
Magistrate  
500 Charlie Rast Road  
Swansea SC 29160

62

*Law Office of Lawrence Keitt*

ATTORNEY AT LAW  
P.O. Box 811  
340 SUMMERS AVENUE  
ORANGEBURG, SOUTH CAROLINA 29116

TELEPHONE (803) 531-2379  
FACSIMILE (803) 534-2899

LAWRENCE KEITT

Judi R. Castro  
305 Lloydwood Drive  
Gaston, SC 29053

May 18, 2018

Re: Bryan Walling v. Judi Castro, d/b/a A. Mothers Prayer  
Case No.: 2018-CP-32-1221

FILED B

Dear Ms. Castro:

This letter is written in response to your inquiry regarding your ability to move back into the facility if you win the Appeal. If the Circuit Court Judge agrees that the Magistrate failed to properly apply the law to the facts presented the Judge would send the case back to the Magistrate for a new trial.

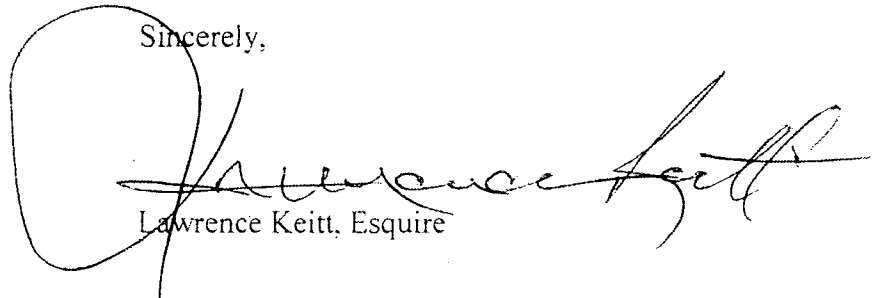
You should keep in mind that the Appeal is NOT a second trial. The Judge will not take testimony nor will the Judge look at anything that was not presented to the Magistrate at the trial. The Judge in an appeal reviews the record from the trial and decides if the Magistrate abused his discretion in reviewing the evidence or failed to properly apply the law.

Thus, in Answer to your question, a win of your Appeal will more likely than not return the case to the Magistrate for a new trial.

As to suing the owner for damages I do not see that as being possible. The Court issued an order and the owner had the right to abide by the order.

I hope this answers your questions.

Sincerely,



Lawrence Keitt, Esquire

LK/lrb

Judi Castro

Bryan Walling

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Lawrence Keitt, Esquire

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, 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: Attorney Lawrence Keitt Motion to be Relieved as Counsel for the Plaintiff is hereby granted. Lawrence Keitt be and hereby is relieved as Plaintiff's counsel in this matter

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : The Motion hearing was heard by the Honorable Frank Addy on January 23, 2019

**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<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(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.**





\*\*\*\*\*

**FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE**  
**(Instructions for Information Only-Not to be filed with Form 4C)**

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Lexington Common Pleas

**Case Caption:** Judi Castro , plaintiff, et al VS Bryan Walling  
**Case Number:** 2018CP3201221  
**Type:** Order/Form 4

So Ordered

s/Frank R. Addy, Jr., 2159

Electronically signed on 2019-01-28 11:22:27 page 6 of 6

CERTIFICATE OF COUNSEL

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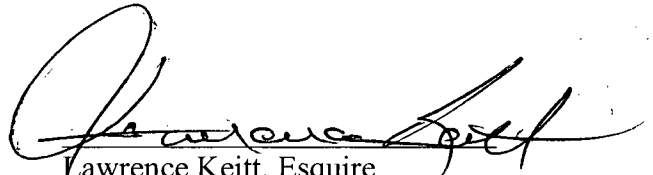
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MAY 07 2019

SC Court of Appeals

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 3, 2019



Lawrence Keitt, Esquire  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, SC 29116

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM LEXINGTON COUNTY  
Common Pleas

MAY 07 2019

Alison Renee Lee, Circuit Court Judge

SC Court of Appeals

Case No. 2018-CP—32-01221  
Appellate Case No.: 2018-002134

Bryan Walling ..... Respondent

v.

Judi Castro d/b/a A Mother's Prayer ..... Appellant

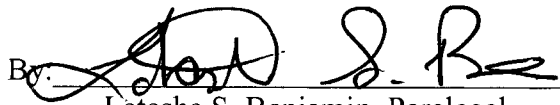
**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on **May 3, 2019**, I served the following documents: **Record on Appeal** by placing same in the United States Mail, postage prepaid and addressed as follows:

Bryn C. Sarvis, Esquire  
Sarvis Law, LLC  
3424 Augusta Highway  
Gilbert, SC 29054

Judi R. Castro  
305 Lloydwood Drive  
West Columbia, SC 29172

**SIGNATURE PAGE TO FOLLOW \*\*\***

By: 

Latasha S. Benjamin, Paralegal  
Law Office of Lawrence Keitt  
340 Summers Avenue  
P. O. Box 811  
Orangeburg, SC 29116  
(803) 531-2379

Orangeburg, South Carolina