

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2300631

Mary Earle
PLAINTIFF(S)

Boulder Lp
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:

See Page 2

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 05/15/2020 .

RECEIVED

JUN 12 2020

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-Fileers or who are appearing pro se. See Rule 77(d), SCRCF.

This matter came before the Court upon Appeal from a Magistrate's Court eviction and was heard on May 15, 2020 and was conducted pursuant to the Order of the South Carolina Supreme Court for the "Operation of the Trial Courts During the Coronavirus Emergency" issued on April 3, 2020 (as amended) (hereinafter "Emergency Order"). The parties consented to holding the hearing via telephone with a Court Reporter. Participating in the hearing were Vanessa Cason for Appellant and David Kershaw for Respondent.

Upon issuance of a Rule To Show Cause by Respondent, the Appellant requested a jury trial. At a hearing on January 21, 2020, the Magistrate set bond "at \$1000 payable to the court no later than January 28, 2020 at 5pm (approximately 50% of the disputed rent arrearage) along with the requirement that Appellant keep her rent of \$282/month current pending the outcome of the jury trial." The Appellant filed an appeal on this determination. Even though the ultimate factual determination will be made by a jury, the magistrate is required to make a preliminary determination of the amount owed based on S.C. Code §27-40-790. Although the magistrate made a preliminary determination, it does not appear, based on the return filed by the magistrate, that the preliminary determination adhered to the requirements of this code section. Therefore, this Court remands this matter back to the Magistrate to make a preliminary determination as set forth in §27-40-790 and pursuant to any applicable public housing guidelines. Based on this ruling, it would not be necessary to address the other Motions filed by the Appellant as said motions would be moot.



Greenville Common Pleas

Case Caption: Mary Earle VS Boulder Lp

Case Number: 2020CP2300631

Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2020-05-15 13:55:10 page 3 of 3