

Case No. 2020-000451

RECEIVED

JUL 15 2020

SC Court of Appeals

Affidavit To The Court Of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

The undersigned, RUFUS AND MERLE RIVERS, being duly sworn, hereby depose and say:

1. We are over the age of 18 and are residents of the State of South Carolina. We have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereon.
2. We suffer no legal disabilities and have personal knowledge of the facts set forth herein.
3. We currently have an appeal pending in the Court of Appeals with an appeal bond of \$700.00 per month being paid in to escrow.
4. The appeal alleges the Magistrate lacked subject matter jurisdiction because there was legal action pending in circuit court when the plaintiff filed eviction papers and had already been served on August 14, 2018.(see attached)
5. Magistrate Grant also ordered us to pay rental payments of \$700.00 per month when there was no landlord-tenant agreement and the plaintiff did not ask for rental payments. (see attached).
6. Magistrate Grant's staff refused our payment when we visited the office to provide a notice of appeal on March 2, 2020 without any valid explanation other than the notice did not state a reason for the appeal.
7. It is our belief that we are being treated unfairly and that the magistrate and her staff has taken this matter personally because of the appeal.
8. On March 11, 2020 the sheriff came to evict us and allowed us to remain to another date.
9. We personally visited the Court of appeals on March 12, 2020 and paid the filing fee and obtained a filed copy and provided it to the magistrate's office and was told they would get back with us. We received a call from the magistrate's office, allowing us until March 18, 2020 to make the rental payment.
10. On March 17, 2020, after obtaining a copy of Judge Beatty's order, we emailed the magistrate's court a correspondence requesting an extention. (see attached)
11. We received a reply from Sylvia Edwards stating that our request was denied. (See attached) We also received a reply from Lisa Proveaux explaining when the payments were due. (See attached)
12. On May 1, 2020, we visited the magistrate's office to bring the payments current in the amount

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 WINNIEFA B. CLARK
 2020 JUN 22 AM 10:04
 ORANGEBURG SC
 CLERK OF COURT

of \$1400.00 and again the staff told us that they were instructed not to accept the payment by Judge Grant and to return on May 4, 2020 without any reason for returning. (see attached)

13. On May 4, 2020, we visited the magistrate's office as instructed. After being told to have a seat, Rufus Rivers waited for almost 30 minutes. He then approached the receptionist to ask how much longer and was told they could not accept the payment and to contact his lawyer knowing we are pro se litigants.

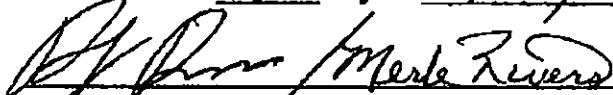
14. We have come to believe that we are being treated differently than anyone else. This is nothing more than retaliation for appealing a matter that should not have been decided by the magistrate in the first place. We certainly have the right to pay what was past due while the evictions were halted.

15. Because of the magistrate's actions, Rufus Rivers had to take temporary work to make certain we could take on the added expense of the rental payments. The temporary work ended March 11, 2020.

16. We believe the magistrate's office is acting in bad faith as agents for the Plaintiff and his counsel against us senior citizens with chronic medical issues.

I declare that, to the best of our knowledge and belief, the information herein is true, correct, and complete.


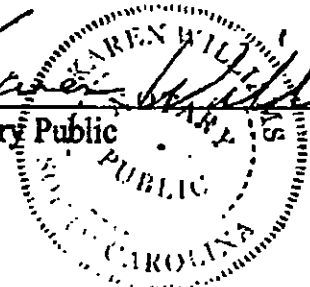
Executed this 18th day of May, 2020.


Rufus and Merle Rivers

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA, COUNTY OF ORANGEBURG, ss:

The foregoing Affidavit was acknowledged before me this 18th day of May, 2020, by Rufus and Merle Rivers, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.


Notary Public




Search mail

8 of 377

to me, twolfe@burnetteshutt.law

Payment of \$700.00 is due on today, 3-18-2020 and thereafter \$700.00 payments are to be made by the 2nd of each month.

From: Rufus Rivers [mailto:rivers788@gmail.com]

Sent: Wednesday, March 18, 2020 10:23 AM

To: Lisa Proveaux

Cc: Kathleen M. McDaniel

Subject: Eviction- Rufus & Merle Rivers

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2020 MAY 22 AM 10:57
CLERK OF COURTS
ORANGEBURG, SC

As of today, we are requesting that our appeal bond payments be extended, pursuant to the attached Supreme Court order issued 03/17/2020. Please see attached. We are placing a hard copy in the mail.

Rufus Rivers <rivers788@gmail.com>
to Lisa, twolfe@burnetteshutt.law

Wed, Mar 18, 5:22 PM (22 hours ago)

2020-03-17-02

The Supreme Court of South Carolina

RE: Statewide Evictions

ORDER

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WINNIEFA B. CHAIK
2020 MAY 22 10:05
CLERK OF COURT
ORANIGERU

Pursuant to provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that all evictions currently ordered and scheduled statewide from March 17, 2020, through March 31, 2020, shall be rescheduled for a date not earlier than May 1, 2020. However, case-by-case exceptions for evictions may be made for matters that involve essential services and/or harm to person or property.

s/Donald W. Beatty
J. _____ C.

FOR THE COURT

Columbia, South Carolina
March 17, 2020



Search mail

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-Rufus Rivers - Eviction Inbox x

Sylvia Edwards <sedwards@orangeburgcounty.org>

12:13 PM (3 hours ago)

to me

Good afternoon,

Your request for extension is denied and payment of \$700.00 was due on March 18, 2020 and thereafter payments of \$700.00 are due by 2nd of each month and are to be made on time as previously ordered.

Will do, thank you.

Paid.

Thank you for informing me.

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WINNIE B. CLARK
2020 MAR 22 AM 10:05
CLERK OF COURT
ORANGEBURG, SC

Reply

Forward



Search mail



83 of 452

-RE: Eviction- Rufus & Merle Rivers Inbox x

Lisa Proveaux

Wed, Mar 18, 3:38 PM

Payment of \$700.00 is due on today, 3-18-2020 and thereafter \$700.00 payments are to be made by

Rufus Rivers <rivers788@gmail.com>

Wed, Mar 18, 5:22 PM

to Lisa, twolfe@burnetteshutt.law

Received, thank you.

Reply

Reply all

Forward

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WINNIEFA B. CLARK
2020 MAY 22 AM 10:05
CLERK OF COURT
ORANGEBURG, SC

ch



**ORANGEBURG COUNTY
CENTRAL REGION
MAGISTRATE COURT**



1540 Ellis Avenue
P.O. Box 9000
Orangeburg, South Carolina 29116
Phone: (803) 533-5843
Fax: (803) 516-4011

May 18, 2020

VIA ELECTRONIC DELIVERY: rrivers788@gmail.com
Rufus and Merle Rivers
1429 Legrand Smoak Street
Cordova, South Carolina 29039

**RE: Defendant's Appeal on Eviction
James Smith vs Rufus and Merle Rivers
Magistrate Case No.: 2018CV3810702780**

CLERK OF COURT
ORANGEBURG, SC

2020 MAY 22 AM 10: 05

FILED FOR RECORD
WINNIFA B. CLARK

Dear Mr. Rivers:

Our records reflect that your monthly rent payment was not made to our office in March or April by the specified due date as required.

Past due payments and future payment arrangements may be coordinated directly with the plaintiff's attorney if accepted.

A physical copy of this letter will follow via today's U.S. Mail.

County of Orangeburg
Central Region Magistrate Office

CC: VIA ELECTRONIC DELIVERY:
KMcDaniel@BurnetteShutt.Law
TWolfe@BurnetteShutt.Law
Kathleen M. McDaniel, Esquire
Attorney for James F. Smith, Jr.
Post Office Box 1929
Columbia, South Carolina 29202

Terry Leverette, Court Administration – by U.S. Mail and Electronic Delivery

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WINNIFA B. CLARK

Valid Money Order includes 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view

BB-188
1031

MoneyGram.

2020 MAY 22 AM 10:05

To Validate: Touch the stop sign,
then watch it fade and reappear



CLERK OF COURT
ORANGEBURG, SC

MONEY ORDER NUMBER
R209458210089

PAY TO THE
ORDER OF /
PAGAR A LA
ORDEN DE:

Magistrate's Court

IMPORTANT - SEE BACK BEFORE CASHING

Ruby & Mabel Rivers
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS /
DIRECCIÓN:

4429 Legwood Street, Orangeburg, SC 29039

Payable Through
BOKF, NA
Erid, OK

ISSUER/DRAWER:
MONEYGRAM PAYMENT SYSTEMS, INC

PAY EXACTLY

⑆103101864⑆2094 58210082⑆90

May, 2020

Valid Money Order includes 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view

BB-188
1031

MoneyGram.

To Validate: Touch the stop sign,
then watch it fade and reappear



PAY EXACTLY

MONEY ORDER NUMBER
R209401795590

PAY TO THE
ORDER OF /
PAGAR A LA
ORDEN DE:

Magistrate Court

IMPORTANT - SEE BACK BEFORE CASHING

Ruby & Mabel Rivers
PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS /
DIRECCIÓN:

1429 Legwood Street, Orangeburg, SC

Payable Through
BOKF, NA
Tulsa, OK

ISSUER/DRAWER:
MONEYGRAM PAYMENT SYSTEMS, INC

⑆103101864⑆2089 01720508⑆90

March, 2020

MONEY
ORDER

19-094193651

WESTER UNION FINANCIAL SERVICES INC
Payable at Wells Fargo Bank, Grand Junction, Denver, N.A., Grand Junction, Colorado

WESTER UNION
(ISSUING AGENT)

\$ [Redacted]

PAY EXACTLY
PAY TO THE
ORDER OF

Ruby & Mabel Rivers
1429 Legwood Street
Orangeburg, SC 29039

⑆103100400⑆4019094193651⑆90

Apr. 1, 2020

MONEY
ORDER

19-094193652

WESTER UNION FINANCIAL SERVICES INC
Payable at Wells Fargo Bank, Grand Junction, Denver, N.A., Grand Junction, Colorado

WESTER UNION
(ISSUING AGENT)

\$ [Redacted]

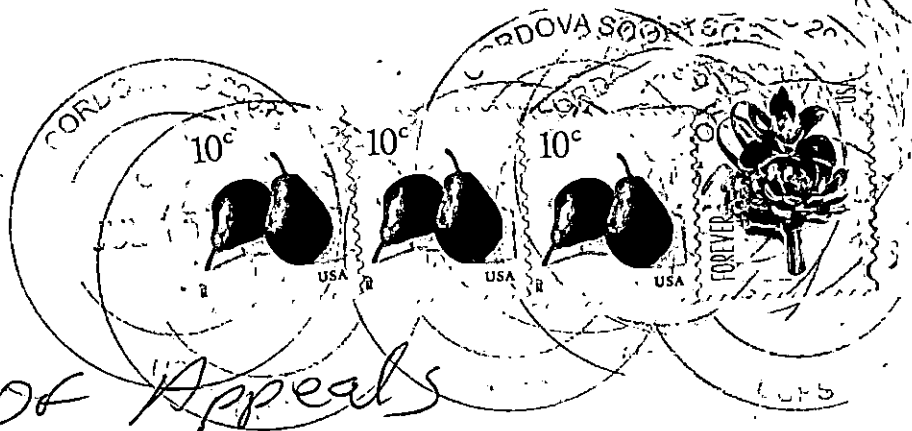
PAY EXACTLY
PAY TO THE
ORDER OF

Ruby & Mabel Rivers

Rufus and Marie Riccio
1429 Legrand Smeek Street
Cordova, SC 29039

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SC Court of Appeals



Court of Appeals
POST OFFICE BOX 4629
Columbia, SC 29211