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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

Appeal from Berkeley County
Court of Common Pleas
Kristi F. Curtis, Circuit Court Judge

Case No. 2018-CP-08-00266
Case No. 2018-CP-08-01008
Appellate Tracking No.: 2019-001169

Aracelis Santos,Appellant,

vs.

Harris Investment Holdings, L.L.C., Respondent,

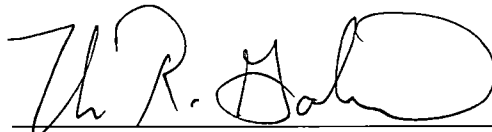
MOTION TO REMAND CASE TO MAGISTRATE COURT

Thomas R. Goldstein, S. C. Bar No. 2186
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Attorneys for Appellant

Pursuant to Rule 240 of the *South Carolina Appellate Court Rules*, the Appellant moves for an Order of the Court remanding this case to Magistrate Court for redetermination of the award of attorney's fees to the Respondent on the ground that while this appeal was pending, the Respondent bulldozed the Appellant's business to the ground including her valuable commercial restaurant equipment. This unlawful and contumacious act deprived the Appellant of the right to have the Order of Ejectment reviewed because Respondent deprived the Court of any opportunity to grant a remedy to the Appellant by destroying the subject matter of the appeal. By taking matters into its own hands in willful disobedience of the Court's Order granting the Appellant possession under an appeal bond, the Appellant respectfully submits that the Respondent has either waived its rights to an attorney's fee award, or, in the alternative, should be brought before the Magistrate to determine if the award should be modified or vacated as the result of the Respondent's contumacious conduct.

Respectfully submitted,

August 17, 2020



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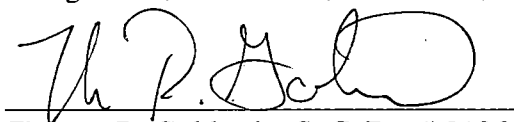
vs.

Harris Investment Holdings, L.L.C., Respondent,

PROOF OF SERVICE

I certify that I have served the Appellant's Motion for Remand along with Supporting Memorandum on the Respondent, Harris Investment Holdings, L.L.C., by depositing a copy of it in the United States Mail, postage prepaid, on August 18, 2020, addressed to the attorneys of record, Merritt Abney, 151 Meeting Street, Sixth Floor, Charleston, S. C. 29401-2239.

August 18, 2020



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Hon. Jenny A. Kitchings,
Clerk of Court
S. C. Court of Appeals
P. O. Box 11629
Columbia, S. C. 29211

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August 18, 2020

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SC Court of Appeals

Re: Aracelis Santos v. Harris Investment Holdings, L.L.C.
Case Nos.: 2018-CP-08-00266 and 2018-CP-08-01008; Appellate Tracking
Number 2019-00169

Dear Ms. Kitchings,

I enclose Appellant's Initial Brief, Designation of Contents of Record on Appeal along with a proof of service. Would you be so kind as to file these and return clocked copies to me in the envelope provided?

I also enclose an original and seven copies of Appellant's original Motion to Remand and supporting memorandum of law along with a Proof of Service and the filing fee. Would you be so kind as to file this and return a clocked copy to me in the envelope provided? I thank you in advance for your attention to this request. With kind regards, I am

Very truly yours,


BELK, COBB, INFINGER & GOLDSTEIN, P.A.
Thomas R. Goldstein

TRG/

enclosure: Initial Brief, Motion to Remand, check No. 19253, return envelopes

cc: Merritt Abney, Esq.
Merritt Abney
151 Meeting Street
Sixth Floor
Charleston, S. C. 29401

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