

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
 	)	
CARL ANDERSON,	)	
	)	CASE NO. 2020-CP-46-02401
Respondent,	)	
Landlord,	)	(Magistrate Court 2020CV4610303014)
-vs-	)	
	)	
MARDI WRIGHT,	)	
	)	
Appellant,	)	
Tenant.	)	
_____	)	

**ORDER RECEIVED**  
**Dec 09 2020**  
**SC Court of Appeals**

THIS MATTER came before the court on October 28, 2020 by virtual Webex® argument pertaining to Appellant Mardi Wright’s Appeal from Rock Hill Magistrate Court Order of Eviction and Ejectment. The matter involves a home at 1129 Hoyle Street in Rock Hill, owned by Respondent Carl Anderson. The home is rented and occupied by Mardi Wright as tenant. Appellant posted to stay the Ejectment pending resolution of these matters raised by appeal before this court. Both parties appeared *pro se* before the magistrate court.

Appellant Mardi Wright appeared before this court represented by attorney Neil Phillips of the York County bar. Respondent Carl Anderson appeared through attorney J. Cameron Halford. After careful consideration of the Appellant’s Civil Appeal and supporting exhibits and the record before the Magistrate Court, including arguments made by counsel at the Webex hearing on October 28th, Judge Miller affirms Magistrate Judge Berinsky’s August 11, 2020 ruling and makes the following findings of fact and conclusions of law.

Appellant Mardi Wright advanced three (3) main arguments, none of which are supported by fact, documentary evidence, law or the record below. Defendant first argues she was unable to present evidence of the lease being a “rent with an option to purchase agreement (\*sic)”, thus the

Magistrate Court lacked jurisdiction. The argument is without merit. Her own affidavit paragraph (3) a “*month to month tenancy*” and not an option to purchase or rent own contract. There is no record evidence supporting Appellant’s claims to the property as an heir. The Magistrate Court heard and denied defendant’s motion to dismiss, evidencing notice with appearance and the opportunity to be heard. Defendants’ due process arguments are not supported by the record in the case. Lastly, Appellant Wright’s contentions that she was denied an impartial hearing by the magistrate court failure to permit a witness is unsupported by the record. The court requested that Appellant’s attorney provide the return and transcript from the Magistrate Court, which was subsequent to the argument admitted of record and reviewed by this court prior to this ruling. The record confirms that a witness appeared at the Magistrate Court, but was not called for testimony by either Wright or Anderson.

On appeal of an action at law tried without a jury, “*the findings of fact of the trial court will not be disturbed unless found to be without evidence which reasonably supports the trial court's findings. The rule is the same with or without a reference.*” Townes Assocs., Ltd. v. City of Greenville, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976). The trial court’s findings are equivalent to a jury’s findings in a law action. Chapman v. Allstate Ins. Co., 263 S.C. 565, 567, 211 S.E.2d 876, 877 (1975). This court’s role is to determine whether any evidence reasonably supports the factual findings of the trial court. Townes Assocs., Ltd., 266 S.C. at 86, 221 S.E.2d at 776. Additionally, the appellate court can correct errors of law. Okatie River, L.L.C. v. Southeastern Site Prep, L.L.C., 353 S.C. 327, 334, 577 S.E.2d 468, 472 (Ct. App. 2003). There is nothing novel about the facts in the case pertaining to eviction and ejection for nonpayment of rent. Thus, the standard of review applies and operates here like in any other case. Accordingly, if there was any evidence or reasonable inference to reasonably support the Plaintiff’s case, this

circuit court must affirm the magistrate's judgment. Likewise, if there is any evidence in the record which reasonably supports the Magistrate's final determination, the circuit court should affirm the magistrate court.

WHEREFORE it is Ordered that the Magistrate Court Order is Affirmed and Appellant's Appeal is denied. This court grants the Respondent's Motion to Dismiss. This matter is remanded to the magistrate court for further proceedings on the Ejectment Action.

AND IT IS SO ORDERED.

**JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW**



York Common Pleas

**Case Caption:** Mardie Wright VS Carl Anderson

**Case Number:** 2020CP4602401

**Type:** Order/Other

So Ordered

s/ Edward W. Miller