

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2020CP1801709

RECEIVED

Dec 14 2020

Exquis Event Center	Twala Rohiya Scott	Bre Retail Np Festival Centre
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> 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: **Appellant failed to post required bond; therefore this appeal is hereby dismissed**

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

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 (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (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.


Cheryl Graham, Clerk of Court

2099
Judge Code

12/9/2020
Date

ELECTRONICALLY FILED 2020 Dec 09 3:56 PM - DORCHESTER COMMON PLEAS - CASE#2020CP1801709

For Clerk of Court Office Use Only

e-filing program

This judgment was entered on 12/9/2020, and a copy mailed first class or placed in the appropriate attorney's box on 12/9/2020, to attorneys of record or to parties (when appearing pro se) as follows:

Tristan Michael Shaffer PO Box 1027 Chapin, SC 29036
Joenathan Shelly Chaplin 4511 N. Main St. Columbia, SC 29203

Christian Hart Staples 101 South Tryon Street Suite 2200
Charlotte, NC 28280

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

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

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S COURT

COUNTY OF DORCHESTER

CASE NO: 2020-CV-181030-2803
Ref: 2020-CP-18-01709

BRE Retail NP Festival Center
Owner, LLC

Plaintiff/Landlord,

vs.

DISMISSING APPEAL

ORDER

Twala Rohilya Scott;
Exquis Event Center
Defendant/Tenant.

It appears from the record that the Defendant/Tenant filed an appeal to the Circuit Court on October 23, 2020 from the Application for Ejectment filed in the Magistrate's Court by Plaintiff/Landlord. Thereafter, pursuant to S.C. Code §27-40-800, the Magistrate Court held a Bond to Stay Execution on Appeal hearing on October 27, 2020.

Based upon the Affidavit of the Plaintiff/Landlord, it now appears that the Defendant/Tenant failed to provide the appeal bond or pay periodic rent as due in the amount fixed by the presiding Magistrate.

Now, therefore, and pursuant to S.C. Code §27-37-130, the stay of execution shall dissolve, and the appeal by the Defendant/Tenant to the Circuit Court is hereby dismissed.

The Magistrate Court may issue a Writ of Ejectment, and the Dorchester County Sheriff's Office may dispossess the Defendant/Tenant.

AND IT IS SO ORDERED this 9 day of December, 2020.

A. Givner
Presiding Magistrate

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE MAGISTRATE COURT
(Summerville)
2020-CV-18-10302803

BRE RETAIL NP FESTIVAL CENTRE)
OWNER, LLC,)

Plaintiff,)

v.)

TWALA ROHILYA SCOTT, doing)
business as Exquis Event Center,)

Defendant.)

AFFIDAVIT OF DAVID MICKELBERG

I, DAVID MICKELBERG, being first duly sworn, do hereby depose and say the following based upon my own personal knowledge:

1) I am over the age of eighteen (18) years old, suffer from no disability, and am competent to make this Affidavit in all respects.

2) I am employed as the Director of Collections for the Plaintiff in this action. In that capacity, I have personal knowledge of the commercial lease agreement between the parties as well as the monthly billings and receipts for the Defendants' account.

3) I am aware of the fact that on October 27, 2020, a Bond to Stay Execution on Appeal ("Bond") was entered in this action by The Honorable Judge Leviner, a true and correct copy of which is attached hereto as Exhibit A.

4) Pursuant to said Bond, Defendant was required to pay to Plaintiff the sum of \$12,301.53 on the 1st day of each month in order to stay the execution on the underlying judgment for possession granted on October 20, 2020, during the pendency of Defendant's appeal to the Circuit Court.

FILED DEC 09 2020

5) The Bond expressly provides that "[i]f Tenant(s) fails to make any rental payment within five days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant(s) to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the Tenant(s)."

6) On December 7, 2020, Defendant paid Plaintiff the sum of \$11,471.77 by wire transfer, which upon information and belief, was intended as the December monthly rent payment. A true and correct copy of the wire receipt is attached hereto as Exhibit B.

7) The deadline for Defendant to pay December rent has now expired.

8) Defendant failed to comply with the Bond in that the December rent payment was short by the sum of \$829.76.

9) Based on the foregoing, it is Plaintiff's position that the stay of execution of the underlying judgment for possession should be immediately dissolved, that Defendant's appeal to the Circuit Court on issues dealing with possession must be dismissed, and that the Sheriff may dispossess the Tenant.

Further affiant say not.



David Mickelberg

Commonwealth of Pennsylvania

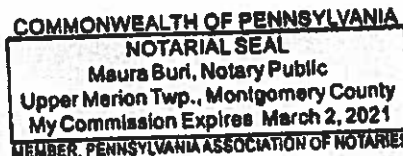
County of Montgomery

Sworn to and subscribed before me

This the 8 day of December, 2020.

Notary Public: Maura Burt

My commission expires: March 2, 2021



CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AFFIDAVIT OF DAVID MICKELBERG** was served by depositing a true and correct copy thereof in an official depository of the United States Mail, postage prepaid, and also via e-mail, addressed as follows:

Joenathan S. Chaplin, Esq.
Law Office of Joenathan S. Chaplin
4511 N. Main Street
Columbia, SC 29203
joe@jschaplinlaw.com
info@jschaplinlaw.com
Co-Counsel for Defendant

Tristan Michael Shaffer, Esq.
P.O. Box 1027
Chapin, SC 29036
tristan@shafferlawsc.com
Co-Counsel for Defendant

This the 8th day of December, 2020.



Christian H. Staples, Esq.
SC Bar No. 101470
Shumaker, Loop & Kendrick, LLP
101 South Tryon Street, Suite 2200
Charlotte, NC 28280
Phone: (704) 945-2183
cstaples@shumaker.com
Counsel for Plaintiff

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
_____)
)
)
)

2020CV1810302803
CIVIL CASE NUMBER
MAGISTRATE'S COURT

BOND TO STAY EXECUTION
ON APPEAL

BRE Retail NP Festival Centre
Owner, LLC
101 South Tryon Street Suite 2200
Charlotte, NC 28280
(704) 945-2183

LANDLORD

Vs

Exquis Event Center; Twala Rohliya
Scott
5101 Ashley Phosphate Road Suite
149
North Charleston, SC 29418

TENANT(S)

TO: Circuit Court

Now comes the Tenant(s) in the above entitled action and respectfully shows the Court that a Judgment of Execution was issued against the Tenant(s) and for the Landlord on , by the Magistrate. Tenant(s) has appealed the Judgment to the Circuit Court.

Pursuant to the findings of the Magistrate, the Tenant(s) is obligated to pay rent in the amount of \$ ^{12,301.53} per ~~month~~ due on the ~~1st~~ day of each ~~month~~.

Tenant(s) hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the Court and moves the Circuit Court to stay execution on the Judgment for Ejectment until this matter is heard on appeal and decided by the Circuit Court.

Appy Staples appeared via Teams

Dated on October 27, 2020:

Appy Shafer appeared via Teams
Tenant(s)

Upon execution of the above bond, execution on the Judgment of Ejectment is hereby stayed until the action is heard on appeal and decided by the Circuit Court. If Tenant(s) fails to make any rental payment within five days of the due date, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant(s) to the Circuit Court on issues dealing with possession must be dismissed and the Sheriff may dispossess the Tenant(s).

Dated on October 27, 2020

A. Giviner
JUDGE

Summerville Magistrate
212 Deming Way, Box 10
Summerville, SC 29483
Phone: (843) 832-0370
Fax: (843) 832-0371

*89,361.50 cash
arrrrage
to be pd to TT
10:00 am
Nov. 2, 2020*

MV125



Current Day Reports

Current Day Summary and Detail

Format

PDF

View Report

Filter Report

Export Report

Transaction Summary for 12/07/2020 as of 03:39:28 PM EST

Printable Format

Account Name / Account Number	CCY	Amount	Transaction Description	BAI Code	Action
Brxmore Operating Parnership LP	USD	\$11,471.77	Incoming Fedwire(s)	195	

Transaction Detail for 12/07/2020 as of 03:39:28 PM EST

PAR Number:

Fed Ref: 000367

Date/Time Received: 12/07/2020 12:00:13 PM

Originator: D4300209783 IMPACTING ENTERPRISES LLC DBA EXQUIS EVENT CENTER 5101 ASHLEY PHOSPHATE ROAD NORTH CHARLESTON, SC 29423

Sending Bank: UNITED BANK OF FAIRFAX

Receiving Bank: US BANK MINNESOTA

Beneficiary: BRXMORE OPERATING PARTNERSHIP LP 3440 PRESTON RIDGE ROAD STE 425 BLDG ALPHARETTA, GA 30005

Originator To Beneficiary Info: DECEMBER RENT

IMAD

