

From: [Staples, Christian H.](#)
To: [Carter, Elizabeth A.](#); [Court Of Appeals Filings](#)
Cc: tristan.m.shaffer@gmail.com; [Tristan Shaffer](#)
Subject: RE: Exquis v. Bre Retail (Appellate Case Number 2020-001626)
Date: Wednesday, December 16, 2020 6:09:00 PM
Attachments: [14809378v1 - Affidavit of David Carpio \(Executed\).PDF](#)

Good evening,

Given that there has been no ruling on the petition for supersedeas, I wanted to submit this affidavit from Respondent which I just recently obtained.

Thank you for your consideration.

Best regards,

Christian Staples

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From: Staples, Christian H.
Sent: Wednesday, December 16, 2020 8:41 AM
To: 'Carter, Elizabeth A.'
Cc: 'tristan.m.shaffer@gmail.com'; 'Tristan Shaffer'; 'Court Of Appeals Filings'
Subject: RE: Exquis v. Bre Retail (Appellate Case Number 2020-001626)

Good morning,

Attached is a copy of the executed Writ of Ejectment documenting the fact that the eviction is complete. Based on this, Respondent/Landlord contends that the Petition for Supersedeas is moot.

Please let me know if you have any questions.

Best regards,

Christian Staples

From: Staples, Christian H.
Sent: Tuesday, December 15, 2020 3:08 PM
To: Carter, Elizabeth A.

Cc: tristan.m.shaffer@gmail.com; 'Tristan Shaffer'
Subject: RE: Exquis v. Bre Retail (Appellate Case Number 2020-001626)

Ms. Carter,

I don't know to what extent the court would entertain an affidavit from my client on this matter, and/or consider speaking with Constable Sullivan who oversaw this eviction. It is my understanding that this eviction has been completed and Tenant does not currently have access to the space, unless Tenant is somehow breaking and entering or trespassing. The tenant was directed by Constable Sullivan yesterday (Monday) morning to remove all items, and the eviction (originally scheduled for Monday at 9am) was held over until 9am this morning for that very purpose. Any items left behind should have been removed by Tenant prior to 9am this morning as directed by Constable Sullivan. That said, I imagine my client is willing to work with Tenant over the coming days to take possession of any items that may remain inside the space. However, the vast majority of items were removed, including an extensive amount of furniture. I'm told Tenant loaded these items into a trailer. I am also told my client had its vendors rekey the remaining locks this morning around 9am, so I am not sure how Tenant may still be gaining access, if in fact she is. We are looking into that issue right now, and we are also working to verify what items, if any, may remain inside. Unfortunately neither myself nor the property manager are on site, so we are having to rely on local vendors. Constable Sullivan indicated he could submit a document tomorrow morning. Apparently his shift has ended for the day, but his phone number is 843-200-8464. I just spoke to him around 2:45pm today.

Best,

Christian Staples

From: Tristan Shaffer [mailto:tristan@shafferlawsc.com]
Sent: Tuesday, December 15, 2020 2:01 PM
To: Carter, Elizabeth A.
Cc: Staples, Christian H.; Griffin, Lauren; tristan.m.shaffer@gmail.com
Subject: Re: Exquis v. Bre Retail (Appellate Case Number 2020-001626)

Elizabeth,

I am currently in General Sessions Court. I was able to get the attached affidavit signed by my client.

It seems like we are in between being kicked out and fully being out. Appellant would submit that based on the fact that they still have access to the building and still have personal property in the building the matter is not yet moot.

Please let me know if the court requires a more formal response with my signature.

On Tue, Dec 15, 2020 at 11:39 AM Carter, Elizabeth A. <ecarter@sccourts.org> wrote:

Good morning,

Please see the attached correspondence from the South Carolina Court of Appeals.

Sincerely,

Elizabeth A. Carter
Clerk's Office Manager
South Carolina Court of Appeals

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