

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Case No. 2020-001626

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2020-CP-18-1709

Exquis Event Center, et al.,

Appellant,

v.

BRE Retail NP Festival Center,

Respondent.

RECEIVED
Dec 16 2020
SC Court of Appeals

AFFIDAVIT OF DAVID CARPIO

I, David Carpio, do hereby state the following upon my own personal knowledge:

- 1) I am over the age of eighteen years old and suffer from no legal disability.
- 2) I am employed as a Senior Property Manager for the Respondent. In that capacity, I have management responsibility for the Festival Center Shopping Center in North Charleston, Dorchester County, South Carolina.
- 3) I am familiar with the commercial Lease Agreement between the Respondent, as Landlord, and the Appellant, as Tenant, for the lease of certain premises within the Festival

Center Shopping Center, as well as the Tenant's operation of a business known as Exquis Event Center pursuant to said lease.

4) Appellant was evicted from the premises at approximately 9:00AM on Tuesday, December 15, 2020.

5) The eviction was originally scheduled for 9:00AM on Monday, December 14, 2020, but upon the direction of Constable Sullivan, who was assigned to oversee the eviction, Appellant was allowed additional time to remove the personal property and equipment remaining inside the premises, given that there was a large amount of said items.

6) However, a lot of furniture (multiple sofas, tables, chairs, etc.) and other items were removed from the premises on Monday, December 14, 2020, and were placed on the sidewalk outside the premises, as directed by Constable Sullivan. Tenant began loading those items that had been removed from the premises into a trailer late Monday morning and thereafter.

7) On Monday, December 14, 2020, the lock to one of the exterior doors to the premises was rekeyed by a locksmith upon my direction and with the approval of Constable Sullivan, but the remaining locks on the other doors were not immediately changed so that Appellant could continue removing the property and equipment from inside the space later that day/evening.

8) On Tuesday, December 15, 2020, all remaining locks to the premises were rekeyed by a locksmith upon my direction and with the approval of Constable Sullivan and, upon information and belief, Tenant does not currently have any means of accessing the premises, unless such access is through unlawful means.

9) Additionally, on Tuesday, December 15, 2020, my security vendor for the Shopping Center entered the premises for the purpose of taking an inventory of any items remaining inside the premises.

10) Notably, my security vendor informed me that none of the items alleged in the Affidavit of Twala Scott to be remaining inside the premises in fact remain inside the premises, save for a chandelier, which Ms. Scott may be referring to as “lighting” or “fixtures” in said affidavit. My security vendor did not observe a fryer, cleaning materials, alcohol, or chairs, as stated in Ms. Scott’s affidavit.

11) In any event, Ms. Scott had ample opportunity to remove all items inside the premises prior to the changing of locks and the completion of the eviction on Tuesday, December 15, 2020, and her failure to do so should not preclude the eviction or entitle her to a writ of *supersedeas*, given that in all other respects the eviction has already been completed as duly authorized by the Magistrate Court, the Circuit Court, and Constable Sullivan. Should it subsequently be discovered that any items remain inside the premises which belong to Appellant, Respondent will work with Appellant to facilitate the timely return of such items.

12) Upon information and belief, Appellant has represented to third parties that she has been evicted from the premises.

13) By my signature below, I hereby affirm that the statements in this affidavit are true to the best of my own personal knowledge, except those matters alleged upon information and belief, and as to those matters, I believe them to be true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment by contempt.

This the 15th day of December, 2020.



David Carpio