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**SC Court of Appeals**

Appellants, Rufus Rivers and Merle Rivers, hereby moves this court through the expedited review process to Invalidate Magistrate's court of Orangeburg County's order for Bond To Stay Ejectment improperly ordered on November 2, 2018. Appellants filed a Motion For Review of Rental Payments on November 5, 2018. After a brief hearing on April 8, 2019, the honorable George McFaddin ruled that the magistrate's ruling was proper and now appellants are requesting review from the Court Of Appeals. It is Appellants' belief that they have satisfied the requirements for bringing this matter before this court because this court has jurisdiction. The reasons are listed below and attached Affidavit.

- 1.The Inferior courts lacked subject matter jurisdiction pursuant to South Carolina Code of Laws 22-3-20.
- 2.The inferior court failed to allow appellants to execute a Bond To Stay Ejectment pursuant South Carolina Code of Laws 27-40-800, instead, verbally ordered.
- 3.There was no landlord-tenant relationship established between Appellants and Respondent and no required rental payments at any time.

Appellants pray that this court grant Appellants an order invalidating the magistrate's improper order. There is no written order in the magistrate's return or on file. Appellants are also requesting that this court order Respondents to accept Bond to Stay Ejectment beginning at the time of this appeal after appellants had an opportunity to pursue their own rental analysis.

December 14, 2020

  
\_\_\_\_\_  
Rufus Rivers, pro se

  
\_\_\_\_\_  
Merle Rivers, pro se

Kathleen McDaniel, Esq.  
P.O. BOX 1929  
Columbia, South Carolina 29202

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AFFIDAVIT OF RUFUS AND MERLE RIVERS SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

The undersigned, Rufus Rivers and Merle Rivers, being duly sworn, hereby deposes and says:

1. We are over the age of 18 and are residents of the State of South Carolina. We have personal knowledge of the facts herein, and if, called as a witness, could testify completely thereto.
2. We suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. Judge Stephanie Mckune-Grant improperly executed an ordered a Bond To Stay Ejectment on November 2, 2018.
4. South Carolina Code of Laws 27-40-800, a South Carolina Statute, requires that Appellants sign an undertaking agreeing to pay rents ordered after determining rents are due.
5. There was no landlord-tenant relationship established and no rents were due, therefore the court's actions prevented us from executing their right to due process.
6. On the day of the bond hearing, we, without clear prior notice we were presented a rental analysis executed the same day of the hearing.
7. Since the validity of ownership of property where are residing was in dispute and Summons and Complaint had been filed by us, on August 6, 2018 and prior to Respondent's eviction proceedings being initiated by the Magistrate's court on August 20, 2018, eviction proceedings should have been halted or delayed.
8. We were paying religiously in to the Magistrate's court until appealing to the Court of Appeals, when the Magistrate's staff began refusing payments without explanation.
9. We notified the Magistrate's court of our intent to appeal as the procedure outlines. We provided the Magistrate's court with the notice and attempted to pay the monthly payment but the staff continued to refuse our payments.
10. It was clear us that the Bond to Stay would be effective throughout the appeals process.
11. The magistrate's staff continued to refuse payments and told us to work it out with the Respondent.
12. After visiting the magistrate's office on numerous occasions with no success, we discontinued trying, not without reaching out to Respondent's counsel to ask why the court was refusing our payments, with no response.

We declare that, to the best of our knowledge and belief, the information herein is true, correct, and complete.

Executed this 14<sup>th</sup> day of December, 2020

  
Rufus Rivers

  
Merle Rivers

**NOTARY ACKNOWLEDGET**

STATE OF SOUTH CAROLINA, COUNTY OF ORANGEBURG,sc

The foregoing Affidavit was acknowledged before me this 14<sup>th</sup> day of December, 2020 by Rufus Rivers and Merle Rivers, who, being first duly sworn under oath according to law, deposes and says they have read the foregoing Affidavit subscribed by them, and that the matters stated therein are true to the best of their information, knowledge and belief.

  
NOTARY PUBLIC

Rufus Rivers

James Smith, Jr.

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Merle Rivers

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PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

Submitted by:  
 The Honorable George M. McFaddin, Jr.  
 215 N. Harvin St.  
 Sumter, SC 29150

Attorney for :  Plaintiff  Defendant  
 or  
 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

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: **DENIES** Plaintiff's motion for reconsideration.

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : Motion for reconsideration filed April 11, 2019.

**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.**

ELECTRONICALLY FILED - 2019 Apr 16 9:34 AM - ORANGEBURG - COMMON PLEAS - CASE#2018CP3801339

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Judge Code

\_\_\_\_\_  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
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), SCRPC.**

**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.

Judge McFaddin hereby *affirms* the ruling of the magistrate.

IN THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
The Honorable Edgar Dickson

Case No. 2020-000451  
Case No. 2018-CP-38-01339

Rufus Rivers and Merle Rivers  
pro se

Appellants

VS.

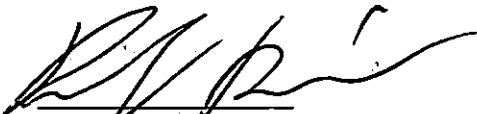
James Smith, Jr.

Respondent

PROOF OF SERVICE

We certify that we have served Appellants' Motion To Invalidate Magistrate's Order For Bond To Stay Ejectment With Affidavit on James Smith, Jr. by filing a copy with the Court Of Appeals and depositing a copy of same in the U.S. Mail in an envelope with proper postage affixed to Respondent's attorney of record, Kathleen McDaniel, Esq. at P.O. Box 1929 Columbia, South Carolina 29202.

December 14, 2020

  
Rufus Rivers, pro se

Kathleen McDaniel, Esq.  
P.O. Box 1929  
Columbia, South Carolina 29202

  
Merle Rivers, pro se

Rufus J. Merte Rivers  
1429 Legrand Street  
Cordova, SC 29039



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SC Court of Appeals

Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

