

IN THE STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

RUFUS RIVERS AND MERLE RIVERS
Appellants

VS.

JAMES SMITH, JR.
Respondent

] IN THE COURT OF COMMON PLEAS

] THE FIRST JUDICIAL CIRCUIT

] CASE NO. 2018-CP-38-01339

] APPELLANTS' MEMORANDUM IN
] OPPOSITION TO RESPONDENT'S
] MOTION TO DETERMINE RENT
] DURING THE PENDENCY OF
] APPEAL

RECEIVED

Feb 04 2021

SC Court of Appeals

Appellants' Rufus Rivers and Merle Rivers hereby opposes Respondent's reliance upon existing materials, because, the materials do not present the facts surrounding Respondent's motion. Appellants have always made payments into the Magistrate's court as ordered by the court, however, through what Appellants have determined to be a concerted effort to correct an error created by the court by not having Appellants sign an undertaking to stay ejection pursuant to South Carolina Code Of Laws 27-40-800. Appellants continuously made payments to the Magistrate's court until filing their appeal to the Court Of Appeals in March, 2019. On the day Appellants notified the Magistrate's court in writing their intent to file an appeal, the Magistrate's court staff began refusing payments and would not tell Appellants why except that they were instructed not to accept anymore payments and refused to accept Appellants' Notice of Appeal. Appellants then travelled to Columbia and formally filed their Notice of Appeal and returned to the Magistrate and provided a copy while they refused the payment but accepted the notice and told Appellants they would advise them later. Later on that same day Appellants received a telephone call from the Magistrate's office stating that I had until the following week on March 18, 2019 to make the payment. By then the Coronavirus precautions had began and Appellants wrote the court requesting them to allow us to pay later accompnyed by the Supreme Court's order halting evictions until after May 1, 2019. Prior to that date ordered by the Supreme Court Appellants' visited the Magistrate's office on numerous occasions in attempts to make payments but the staff continuously refused the payments without explanation, only that Appellants needed to contact a