

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ORANGEBURG)	FOR THE FIRST JUDICIAL CIRCUIT
)	
Rufus Rivers and Merle Rivers,)	C/A No.: 2018-CP-38-01339
)	
Appellants,)	
)	
v.)	MEMORANDUM IN SUPPORT OF
)	MOTION TO DETERMINE RENT
James Smith, Jr.,)	DURING THE PENDENCY OF
)	APPEAL
Respondent.)	
_____)	

Respondent James Smith, Jr. relies upon the materials already existing in the record of this appeal for support of his request for this Court to require Appellants to pay rent from March 2020 and ongoing through the pendency of the appeal before the Court of Appeals as well as Respondent's request to raise rent by \$25 per month in accord with current market rental rates. Respondent would particularly direct the Court's attention to the following filings already in the record of this case:

- Respondent's Petition for Determination of Rent Due Respondent During the Pendency of Appeal to the Court of Appeals, filed May 1, 2020,
- Motion to Determine Rent During the Pendency of Appeal, filed July 6, 2020, and
- Respondent's Memorandum in Opposition to Appellants' Motion to Dismiss Respondent's Petition for Determination of Rent Due Respondent During the Pendency of Appeal to the Court of Appeals, filed July 6, 2020.

In addition, Respondent is filing with the Orangeburg Magistrates Court and serving on Appellants a Certification of Compliance With The Coronavirus Aid, Relief, And Economic Security Act, a copy of which is attached hereto.

Respondent respectfully requests that this Court consider the materials and grant Respondent's request for the payment of rent during the pendency of this appeal, which has not been paid in almost one year.

Respectfully submitted,

s/Kathleen McDaniel
Kathleen McDaniel (SC Bar No. 74826)
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ATTORNEY FOR JAMES SMITH, JR.

Columbia, South Carolina

February 4, 2021



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Moving law forward.

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February 4, 2021

Orangeburg County Magistrate Court
Central Region
P.O. Box 9000
Orangeburg, South Carolina 29116

Re: James F. Smith v. Rufus Rivers and Merle Rivers
C/A No.: 2018CV3810702780
BSM File: 6301.002

Dear Clerk:

Please find enclosed the original and one copy of the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in reference to the above matter. Please file the original, clock in the copy, and return the copy to me via the enclosed stamped envelope.

Should you have any questions or concerns, please do not hesitate to contact our office.
With warmest regards, I am

Sincerely yours,

Kathleen McDaniel

Encl.

cc: Rufus and Merle Rivers (via US Mail and email)

)
) CIVIL CASE NUMBER: 2018-cv-38-
10702780

STATE OF SOUTH CAROLINA)

) IN THE MAGISTRATE'S COURT

COUNTY OF ORANGEBURG)

James F. Smith, Jr.)
PLAINTIFF(S))

) CERTIFICATION OF COMPLIANCE
) WITH THE CORONAVIRUS AID, RELIEF,
) AND ECONOMIC SECURITY ACT

) VS.)

) (Evictions)

Rufus Rivers and Merle Rivers)
DEFENDANT(S))

My name is: Kathleen McColl McDaniel
First Middle Last

I am (check one) the Plaintiff or X an authorized agent of the Plaintiff in the eviction case described at the top of this page. I am capable of making this certification. The facts stated in the certification are within my personal knowledge and are true and correct.

1. Verification:

Plaintiff is seeking to recover possession of the following property:

Name of Apartment Complex (if any)
1429 LeGrand Smoak Street Cordova, South Carolina 29039
Street Address & Unit No. (if any) City County State ZIP

I verify this property is is not a "covered dwelling" as defined by Section 4024(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act. The facts on which I base my conclusion are as follows:

(Please identify which data base or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan.)

There is no mortgage on the property.

Is the property a Low Income Housing Tax Credit (LIHTC) property? (check one)

Yes No

Is the property federally subsidized under any HUD program? (check one)

Yes No

Is the property rented to persons with Section 8 vouchers? (check one)

Yes No

The Plaintiff is is not a multifamily borrower receiving forbearance as described in § 4023(d) of the Coronavirus Aid, Relief, and Economic Stimulus Act.


2. Declaration:

I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

My name is: Kathleen McColl McDaniel
First *Middle* *Last*

My address is: 912 Lady Street, Second Floor Columbia SC 29201
Street Address & Unit No. (if any) *City* *State* *ZIP*

Signed on: February / 3 / 2021 in Richland County, South Carolina.
Month *Day* *Year*



Signature