

**BRIEF OF THE RESPONDENT**

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**Oct 26 2021**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

In the Court of Appeals

[In the Supreme Court]

**APPEAL FROM BERKELEY COUNTY**

Court of Common Pleas

Honorable Roger M. Young, Sr.

Trial Court Case No.: 2020CP0800267

Case No.: 2020-000629

Jaquetta Elias, as representative  
Of Parkway Village Apartments  
775 Sangaree Parkway Blvd.  
Summerville, SC 29486  
**Respondent,**

Lisa Michelle Ray  
(mailing address)  
PO Box 62  
Goose Creek, SC 29445  
(physical address)  
775 Sangaree Parkway Blvd., Apt. 5C  
Summerville, SC 29486  
**Appellant,**

## **STATEMENT OF ISSUES ON APPEAL**

1. Ms. Ray was late payment in rent for the month of January 2020 in the amount of \$160.00 including the late fees (rent is normally \$147.00).
2. Ms. Ray lost the first appeal on March 9, 2020 therefore she is appealing that decision.

## **STATEMENT OF THE CASE**

Ms. Ray was late on paying her rent for the month of January 2020. Ms. Ray was given a late notice that she needed to pay her rent that was due on the 1<sup>st</sup> of the month and late after the 5<sup>th</sup> of the month. Ms. Ray did not pay her rent therefore an Eviction notice was taken out on January 14, 2020. Once Ms. Ray was served with the Eviction notice, she requested a Rule to Show Cause hearing which was scheduled and heard on January 23, 2020 in front of the Honorable Rad S. Deaton. Ms. Ray admitted that she did not pay her rent and that it was Christmas time and that she wanted her grandkids to have a good Christmas so she brought them presents so that they would have a good Christmas. Judge Deaton, upheld the Eviction and a Writ of Ejectment was issued on January 27, 2020.

Once Ms. Ray received the Writ of Ejectment on January 28, 2020, she filed an appeal and the Bond to Stay was heard on January 30, 2020 whereas Judge Rad S. Deaton required her to pay within five (5) days the amount of \$147.00 and that the amount must be paid on time no later than the 5<sup>th</sup> of the month. Ms. Ray paid the amount that was required of her to pay.

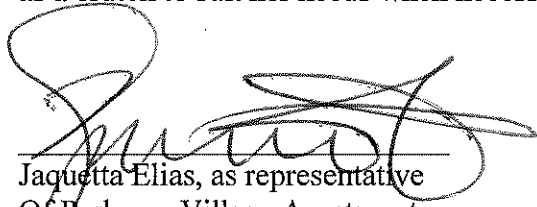
On March 9, 2020, the appeal case was heard in front of the Honorable Roger M. Young, Sr. where Judge Young denied Ms. Ray's appeal stating that the Magistrate did not make any errors in law and that since Ms. Ray has paid the month of March that Ms. Ray would need to vacate on March 31, 2020. When March 31, 2020 came and Ms. Ray had not vacated the unit, I preceded to let her know that she would have to and I went to the Magistrate's Office to obtain the Warrant of Ejectment. Once Ms. Ray received the Warrant of Ejectment, she filed an Appeal in Columbia so that she would not have to vacate the property. Ms. Ray has been told that she needed to vacate and that a lease would not be reissued to her.

## **ARGUMENTS**

Since Ms. Ray filed an appeal in the Court of Appeals stating that Judge Deaton erred in law and Judge Young denied her appeal stating that the Magistrate did not make any errors of law and Ms. Ray needed to vacate on March 31, 2020, I feel that the appeal should be denied and that Ms. Ray needs to vacate the premises.

## CONCLUSION

Ms. Ray needs to vacate the said premises. Parkway Village has not accepted any rental monies from Ms. Ray so that there would not be any Landlord/Tenant Relationship with Ms. Ray. Ms. Ray has been notified that a new lease would not be given. This case has been going on for over a year and it needs to be resolved. Parkway Village has not accepted any monies from Ms. Ray therefore Ms. Ray should have monies saved to allow her to find accommodations for herself. Ms. Ray states that she is disabled and I am not stating that she is not but she rides her bike any time she wants to and walks anywhere she wants to. Ms. Ray can't use her disabilities as a crutch to suit her needs when necessary.

A handwritten signature in black ink, appearing to read 'Jaquetta Elias', is written over a horizontal line. The signature is stylized and somewhat cursive.

Jaquetta Elias, as representative  
Of Parkway Village Apartments  
775 Sangaree Village Apartments  
Summerville, SC 29486

October 26, 2021