

**RECEIVED**

**May 11 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas**

**The Honorable Marvin H. Dukes, III, Circuit Court Judge**

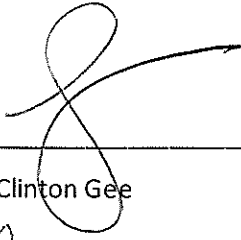
STATE OF SOUTH CAROLINA	)	<b>THE SOUTH CAROLINA COURT OF APPEALS</b>
	)	<b>Appeal Case No. 2022-000045</b>
BEAUFORT COUNTY	)	
	)	
GILBERT CLINTON GEE and LOURDES S. GEE	)	<b>MAGISTRATE'S COURT</b>
Appellants,	)	<b>Case No.: 2021CV0710300301</b>
	)	
v.	)	<b>EMERGENCY MOTION FOR IMMEDIATE</b>
	)	<b>TEMPORARY RELIEF AND TEMPORARY ORDER</b>
SIGNATURE SALES GROUP, LLC,	)	<b>STAYING PROCEEDINGS UNDER THE WRIT OF</b>
Respondent.	)	<b>POSSESSION</b>
_____	)	

Comes now the appellants, Gilbert Clinton Gee and Lourdes S. Gee, and ask the Court of Appeals to grant an emergency motion for immediate temporary relief and temporary order staying proceedings under the writ of possession for the following reasons:

a) Appellants have complied with the bond to stay execution of appeal to the Circuit Court. The order dated June 24<sup>th</sup>, 2021 (attached), references only the Circuit Court and does not allude to or in any way suggest that the bond order will continue pass the final determination of the Circuit Court. Paragraph three (3) of the order dated June 24<sup>th</sup>, 2021 "Tenant hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the court and moves the circuit court to stay execution on the judgment for ejectment until this matter is heard on appeal and decided by the Circuit Court."

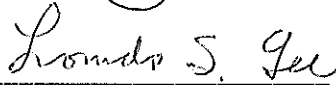
The order, as written, is either ambiguous or simply did not reasonably anticipate the subsequent filing on appeal with the Court of Appeals. In either case, the order should have stated that in the event of a post circuit court final decision, that the appeal bond will remain in force until the eventual termination of all available appeals. The order does not say that. It simply ends by stating that this bond will remain in effect until this matter is heard on appeal and decided by the circuit court. Appellants believe, for the reasons stated, that the court order of June 24<sup>th</sup>, 2021 is legally insufficient to establish any other instruction.

Respectfully,



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Gilbert Clinton Gee



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Lourdes S. Gee

Cc: Kathleen M. McDaniel, Esq.  
BURNETTE SHUTT & McDANIEL, PA  
912 Lady Street, 2<sup>nd</sup> Floor (29201  
Post Office Box 1929  
Columbia, South Carolina 29202  
T. 803-904-7913  
F. 803-904-7910  
KmcDaniel@burnetteshuttlaw  
Attorney for Respondent

*Revised*

State of South Carolina

2021CV0710300301

Civil Case Number

County of Beaufort

Signature Sales Group, LLC

Bond to Stay Execution on  
Appeal to Circuit Court

vs.

Gilbert Clinton Gee and Lourdes S. Gee

2021 JUN 24 11:10:33

Now comes the tenant in the above entitled action and respectfully shows the court that a judgment of ejectment was issued against the tenant and for the landlord on the 16th day of June, 2021, by the magistrate. Tenant has appealed the judgment to the circuit court.

Pursuant to the findings of the magistrate, the tenant is obligated to pay rent in the amount of \$246.25 per week, as it becomes due periodically after the judgment was entered, S.C. Code Ann. Sec. 27-40-800(b).

Tenant hereby undertakes to pay the periodic rent hereinafter due according to the aforesaid findings of the court and moves the circuit court to stay execution on the judgment for ejectment until this matter is heard on appeal and decided by the circuit court.

This the 24<sup>th</sup> day of June, 2021.

Lourdes Gee  
Tenants

Upon execution of the above bond, execution on the judgment of ejectment is hereby stayed until the action is heard on appeal and decided by the circuit court. If tenant fails to make any rental payment within five days of the due date, upon application of the landlord, the stay of execution shall dissolve, the appeal by the tenant to the circuit court on issues dealing with possession must be dismissed and the sheriff may dispossess the tenant.

This the 24<sup>th</sup> day of June, 2021.

[Signature]  
Magistrate Judge

To be paid/delivered by cash or certified check to:  
852 William Hilton Pkwy - Suite 1A  
Hilton Head, SC 29928  
P.O. Box 5310  
Hilton Head, SC 29938



STATE OF SOUTH CAROLINA )  
 )  
 BEAUFORT COUNTY )  
 )  
 CLINTON and LOURDES S. GEE )  
 Appellants, )  
 )  
 )  
 v. )  
 )  
 SIGNATURE SALES GROUP, LLC, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 Appeal Case No. 2021CP0701129

MAGISTRATE'S COURT  
 Case No.: 2021CV071030030

ORDER OF IMMEDIATE POSSESSION

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 BEAUFORT COUNTY MAGISTRATE COURT  
 2022 MAY 05 AM 11:18

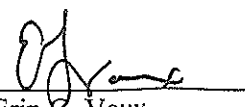
Pursuant to the Court's Order of Bond to Stay Execution on Appeal, dated June 24, 2021, Defendant was to pay rent in the amount of \$246.25 each week during the pendency of the Appeal. In accordance with S.C. Code Ann. Sec. 27-40-800, and Rule 241, South Carolina Appellate Court Rules, and as agreed to, and signed by, Defendants: "[i]f Tenant fails to make any rental payment on time, upon application of the Landlord, the stay of execution shall dissolve, the appeal by the Tenant to the Circuit Court on issues dealing with possession must be dismissed, and the Sheriff may dispossess the Tenant." (See attached Order).

On May 4, 2022, the Court received the attached Affidavit from Plaintiff stating Defendants have not complied with the Order of Bond to Stay Execution on Appeal, in that no rental payments have been made since December 12, 2021. In addition, Defendants refuse to allow Landlord/Plaintiff to enter the unit to do pest control.

Therefore, it is hereby ordered that the Beaufort County Sheriff's Office is to execute the attached Writ of Ejectment and return said property to the Plaintiff forthwith. Further, the pending Appeal of said matter should be dismissed.

**IT IS, THEREFORE, ORDERED.**

May 5, 2022  
 Bluffton, South Carolina

  
 Erin G. Vaux,  
 Beaufort County Magistrate

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )  
 )  
Signature Sales Group, LLC, )  
 )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Gilbert Clinton Gee and Lourdes S. Gee, )  
 )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE MAGISTRATE'S COURT  
Case No.: 2021CV0710300301

**AFFIDAVIT OF SELENA BROWN**

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MAGISTRATE COURT  
2022 MAY -4 PM 12:01

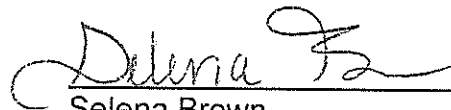
The undersigned, being duly sworn, states the following:

1. My name is Selena Brown.
2. I am a resident of Beaufort County, South Carolina.
3. I am Property Manager for Plaintiff Signature Sales Group, LLC.
4. Defendants were permitted to live in Unit N6 of 104 Cordillo Parkway, Hilton Head Island in connection with Mr. Gee's previous work with Signature Sales Group, LLC.
5. On June 17, 2021, the Magistrate's Court issued a Writ of Ejectment against Defendants, which Defendants appealed.
6. As a condition of remaining in the property pending appeal, Defendants were ordered to pay rent in the amount of \$246.25 each week.
7. I have personal knowledge of the rental payments made by Defendants during the course of this litigation and subsequent appeals.
8. The last rental payment made by Defendants was on December 12, 2021.
9. Defendants have made no rental payments since December 12, 2021.
10. Defendants have also refused to permit pest control to enter the unit.


11. A true and accurate copy of the letter sent to Defendants regarding their refusal to permit the entry of pest control is attached as Exhibit A.

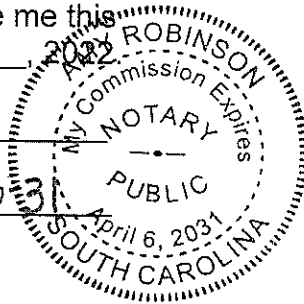
12. The manager of High Tide Associates, which handles property management for Cordillo Courts, sent me a text message stating that they could fine Signature Sales Group, LLC if Defendants continued to refuse entry to pest control.

13. Signature Sales Group, LLC desires that the Magistrate's Court execute the Writ of Ejectment to eject Defendants from Unit N6, 104 Cordillo Parkway, Hilton Head Island.

  
Selena Brown

SWORN to and subscribed before me this  
day 4 of May, 2023

  
Notary Public For South Carolina  
My Commission Expires: 4-6-31



# **EXHIBIT 1**

# HHI Investment Company, LLC

Premier Property Management

March 21, 2022

## Via Email & Hand Delivery

Clinton and Lourdes Gee  
104 Cordillo Parkway, Unit N6  
Hilton Head Island, SC 29928

Re: Refusal of Entry for Pest Control Service

Dear Clinton & Lourdes:

This letter is to notify you that you are in violation of the Cordillo Court Rules & Regulations because you have refused entry for the monthly pest control treatment 104 Cordillo Parkway, Unit N6, Hilton Head Island, SC 29928.

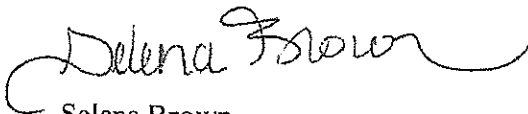
ITEM# XX Pest Control: Pest Control technicians treat villas monthly.

On or about Friday, March 18, 2022 Hightide Association reported that you refused entry to the pest control technician.

**Refusal of entry will result in a fine of \$100 per refused visit!**

If you have any concerns or questions then please contact me.

Sincerely,



Selena Brown  
Property Manager  
(843) 785-1000 ext. 7317