

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

TAMARA GAYLORD,)
)
 APPELLANT,)
)
 VS.)
)
RONNIE GAINEY,)
)
)
RESPONDENT.)

CASE NO: 2021-CP-14-00425
IN THE COURT OF COMMON PLEAS

ORDER

DATE OF HEARING: November 4, 2021
JUDGE: R. Ferrell Cothran, Jr.
ATTORNEY FOR APPELLANT: *Pro Se*
ATTORNEY FOR RESPONDENT: William Ceth Land
COURT REPORTER: Frances B. Ray

The above-entitled matter was before the undersigned pursuant to the Appellant’s appeal of the Magistrate Court Order of Judge Marcia N. Frye issued on August 25, 2021 that found that the Respondent was entitled to a Writ of Ejectment to have the Appellant evicted from his home.

The Notice of Appeal filed by the Appellant did not set forth specific grounds for her appeal; however, in oral arguments before the undersigned the Appellant contended that her due process rights were violated and that the eviction action should not have proceeded pursuant to the CDC’s eviction moratorium.

The undersigned reviewed the Return of the Magistrate Court that was filed on September 20, 2021 and received arguments from the *Pro Se* Appellant and attorney for the Respondent. After careful review of the court file, the Return of the Magistrate Judge, and arguments presented to the Court the undersigned finds that no due process rights

of the Appellant were violated and that her claim under the CDC eviction moratorium was unfounded.

Regarding the Appellant's due process claim, the Appellant was represented at the hearing on August 19, 2021 by Ken H. Lester, Esq. The Appellant and her attorney had the right to call witnesses, cross-examine witnesses called by the Respondent, and present evidence. The Appellant and her attorney elected to cross-examine the Respondent but did not call any witnesses or present any evidence. There was nothing done by the Magistrate Court that violated the Appellant's right to due process.

Regarding the Appellant's claim that she was protected from eviction by the CDC's moratorium on evictions the undersigned finds that the Appellant did not meet the requirements of the moratorium at the time of the hearing and that the CDC's moratorium was stayed by the Supreme Court of the United States by Order No. 21A23 issued on August 26, 2021; therefore, her claim of protection by the moratorium is now moot. The Appellant did not meet the requirements of the CDC's moratorium because it required that the applicant must "have done my best to make timely payments that are as close as possible to the full payment and to get government assistance in making my rent or housing payment." The Appellant admitted to the Court that she had always stayed at the Respondent's home rent-free; therefore, the statement that she had "done her best to make timely payments" or seek "government assistance" is not true.

The Magistrate Court ruling of Judge Marcia N. Frye issued on August 25, 2021 is upheld.

AND IT IS SO ORDERED.

_____, 2021
2021-CP-14-00425

Judge R. Ferrell Cothran, Jr.



Clarendon Common Pleas

Case Caption: Tamara Gaylord VS

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Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144