

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAY 17 2022

SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2022-CP-22-00176
Appeal Number: 2022-000513

KEVIN PENLAND,

Appellant,

v.

KEY LARGO MOBILE HOME PARK,

Respondent.

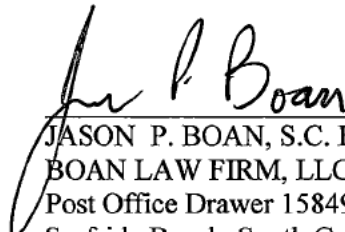
RESPONDENT'S RETURN TO PETITION FOR SUPERSEDEAS

The Respondent provides the following Return to Appellant's Petition for Supersedeas filed on May 6, 2022, in the South Carolina Court of Appeals. The Respondent would show unto the Court that the Appellant's original Appeal to Circuit Court, which is being appealed for the current action, was a Final Order that affirmed the lower Court's eviction of the Appellant. The Order issued by the Circuit Court indicated that it ended the case (See Exhibit 1). This Order did not make any determination of an appeal bond or permit in any way for the Appellant to continue to control the lot that he had leased. In fact, the Circuit Court declined Appellant's attorney's request for additional relief.

It is required that the Appellant must sign an undertaking to the Circuit Court for a determination of what bond, if any, would be appropriate. The Appellant failed to file an undertaking with the Circuit Court before this supersedeas was filed. The earliest filing of any undertaking occurred on May 6 when this Petition was filed.

Appellant wrongfully asserts that a Circuit Judge has to stay an Order of Execution where an undertaking was not properly filed with the Circuit Court or served upon the Respondent.

For the aforementioned reasons, the Respondent respectfully requests that the Petition for Supersedeas be denied.


JASON P. BOAN, S.C. BAR NO. 13511
BOAN LAW FIRM, LLC
Post Office Drawer 15849
Surfside Beach, South Carolina 29587
(843) 232-0750 Fax: (843) 232-0770
boanlawfirm@yahoo.com
ATTORNEY FOR THE RESPONDENT

May 12, 2022
Surfside Beach, SC

EXHIBIT "1"

STATE OF SOUTH CAROLINA
COUNTY OF Georgetown
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO. 2022CP2200176

Kevin Penland
PLAINTIFF(S)

Key Largo Mobile Home Park
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (*CHECK REASON*): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN** (*CHECK REASON*): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Magistrate's Order for Eviction is Affirmed.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/22/2022 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Georgetown Common Pleas

Case Caption: Kevin Penland VS Key Largo Mobile Home Park
Case Number: 2022CP2200176
Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2022-04-22 11:54:58 page 3 of 3

ELECTRONICALLY FILED - 2022 Apr 22 12:31 PM - GEORGETOWN - COMMON PLEAS - CASE#2022CP2200176

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Respondent.

PROOF OF SERVICE

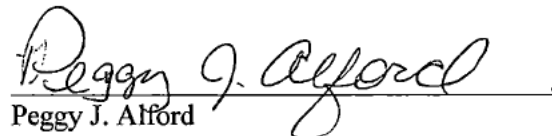
I, Peggy J. Alford, legal assistant for Boan Law Firm, LLC, P.O. Drawer 15849, Surfside Beach, South Carolina 29587, attorneys for the Respondent in the above-entitled matter, certify that I have on the 12th day of May, 2022, posted via first class mail postage prepaid the following documents to the parties:

Documents Mailed:

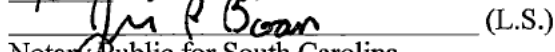
Respondent's Return to Petition for Supersedeas

Mailed To:

Jon Ozolins, Esquire, Staff Attorney
South Carolina Legal Services
1201-B Creel Street, Wing A-1
Conway, SC 29527


Peggy J. Alford

Sworn to before me this
12th day of May, 2022.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 01/22/2029

BOAN LAW FIRM, LLC.

JASON P. BOAN, ESQUIRE
boanlawfirm@yahoo.com

1500 US Highway 17 North
Suite 207 of the Courtyard
Surfside Beach, SC 29575
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May 12, 2022

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MAY 17 2022

SC Court of Appeals

Ms. V. Clair Allen
Chief Deputy Clerk
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Kevin Penland vs. Key Largo Mobile Home Park
Appellant Case No. 2022-000513
Our File No. 21-1126

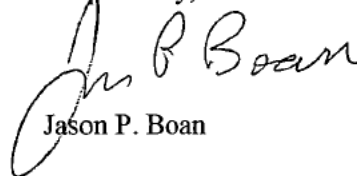
Dear Ms. Allen:

I hope this letter finds you and the Court staff well.

I enclose herewith the original and 6 copies of the Respondent's Return to Petition for Supersedeas and Proof of Service. I would respectfully request that you file the same and return a clocked copy to me in the provided envelope.

With kind regards, I am

Respectfully,


Jason P. Boan

JPB/pja
Enclosures
cc: Jon A. Ozolins, Esquire
Key Largo Mobile Home Park

\$2.76 0
US POSTAGE
FIRST-CLASS
DEC30/10 25493
FROM 29557



BOAN LAW FIRM, LLC
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Surfside Beach, SC 29557

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SC Court of Appeals

Ms. V. Clair Allen
Chief Deputy Clerk
The South Carolina Court of Appeals
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Columbia, South Carolina 29211

