

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0202457

Glen Fleming  
PLAINTIFF(S)

Vance Fleming  
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:

This matter comes before the Court on an appeal filed by Plaintiff. A hearing was held on February 2nd, 2022 in Aiken County, South Carolina using WebEx. The Plaintiff, Glen Fleming, and the Defendant, Vance Fleming, were present. After consideration of the evidence and arguments by both Plaintiff and Defendant, the Court finds that the appeal is GRANTED and the matter is to be REMANDED to the lower court for reconsideration.

**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 02/03/2022 .

Vance Fleming for Vance Fleming  
Vance Fleming for Vance Fleming

**RECEIVED**  
MAY 19 2022  
SC Court of Appeals

**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.

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Aiken Common Pleas

**Case Caption:** Glen Fleming VS Vance Fleming

**Case Number:** 2021CP0202457

**Type:** Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

STATE OF SOUTH CAROLINA	)	IN THE NEW ELLENTON SUMMARY COURT
COUNTY OF AIKEN	)	C.A. No.: 2021-CV-21-0900337
Glen Fleming,	)	
Plaintiff.	)	<b>ORDER</b>
vs.	)	
Vance Fleming,	)	
Defendant.	)	

This matter came before the Court on a Motion for Ejectment of Trespassers on October 4, 2021, filed by the Plaintiff on August 20, 2021. The Plaintiff filed the Motion for Ejectment for the purpose of ejecting the Defendant from a house located at 1453 Sparkleberry Lane, Aiken, South Carolina, 29803. The Defendant alleges that he has a claim of title to the property at 1453 Sparkleberry Lane, Aiken, South Carolina, 29803 and has set forth evidence to support that allegation.


The Magistrate, pursuant to South Carolina Code § 22-3-20(2), does not have jurisdiction to rule on issues relating to title to real property. Therefore, the Magistrate is without subject matter jurisdiction on the Motion for Ejectment, as cases in which the title to real property are raised may only be heard in the Circuit Court. The Court hereby dismisses the Plaintiff's Motion for Ejectment without prejudice.

THEREFORE

IT IS ORDERED that the MOTION FOR EJECTMENT be denied and dismissed without prejudice.

AND IT IS SO ORDERED.

New Ellenton, South Carolina  
Oct 25, 2021

  
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 The Honorable Patrick D. Sullivan