

21-7445

2021CV261091841
CIVIL CASE NUMBER

RECEIVED

May 27 2022

IN THE MAGISTRATE'S COURT SC Court of Appeals

ORDER OF NON COMPLIANCE

Cindy Smith
3565 Forestbrook Road
Myrtle Beach, SC 29588
(843) 385-0310

Richard Smith
3565 Forestbrook Road
Myrtle Beach, SC 29588

FILED
HORRY COUNTY
2022 MAY 24 P 2:45
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

PLAINTIFF(S)

Vs
Frank Demaria
3700 Ed Smith Ave
Myrtle Beach, SC 29588

Brittany Hunter
3700 Ed Smith Avenue
Myrtle Beach, SC 29588

Loretta Demaria
3700 Ed Smith Avenue
Myrtle Beach, SC 29577

DEFENDANT(S)

Personally appeared before me Cindy Smith Plaintiff/ Landlord and pursuant to Section 27-40-800 of the South Carolina Code of Laws, a bond hearing was held in conjunction with civil case 2021CV261091841.

The Plaintiff states the Defendant/Tenant failed to appear failed to post bond in the amount of \$2600 to stay the execution of the Warrant of Ejectment pursuant to Section 27-37-40 of the South Carolina Code of Laws 1976 as amended.

It is therefore ordered: The Clerk of Court is to be notified of the Defendant's non-compliance with the above Section and a Warrant of Ejectment is to be issued in accordance with Section 27-37-40.

Given under my hand and seal this 24th Day May of, 20 24.

Margie B. Stringer (5712)
Magistrate

CERTIFICATE OF TRANSMITTAL

** Rule 3 of the South Carolina Rules of Criminal Procedure requires the transmittal of a warrant to the clerk within fifteen (15) days of defendant's arrest.

The following papers pertaining to criminal proceedings were transmitted to the Clerk of Court on this date.

County: Horry

** Date Transmitted: April 2, 2009

By: Code - 26106-26001 Name/Title - CENTRAL JURY COURT- Common Pleas Court

	State vs. Defendant (Last name, First M.)	Date of Arrest	Warrant/Ticket Number (One per line)	Dismissed at Prelim.		Warrant or Ticket	Papers Being Transmitted on This Date (check only which apply)		
				Yes	No		Checklist	Bond	Other (describe)*
1	Cindy & Richard Smith, Vs., Frank & Lorretta Demaria, Brittany Hunter		2021CV261091841	<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Landlords Affidavit of No Compliance
2				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10				<input type="checkbox"/>	<input type="checkbox"/>	Warrant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FILED
HORRY COUNTY
 2022 MAY 24 P 2:45
 REBEKAH BLAIR
 CLERK OF COURT
 HORRY COUNTY, SC

For use by Clerks only

For use by Solicitors only

The above listed documents were received on:		OPTIONAL:	
Copies transmitted to the Solicitor on:		Date Received by Solicitor	
	Clerk of Court	Received by (Initials/Date)	

NOTICE OF MOTION SCHEDULING

March 07, 2022



Motion "MOTAPP - Motion/Appeal" for Case: 2021CP2607445 - Loretta Demaria VS Cindy Smith, defendant, et al has been added to the following Motions Roster:

357 - CPNJ Motions (04/04/22 - 04/08/22) Honorable Steven DeBerry (WEBEX) This hearing of this motion has been scheduled for 4/8/2022 at 9:30 AM.

The Non-Jury motions roster for the week of April 4, 2022 with the Honorable Steven DeBerry presiding, to be heard via WEBEX (virtual), has been posted in the Horry County Clerk of Court's website. To access the Judge's virtual courtroom, please go to www.sccourts.org, under Calendar, Monthly View, click Circuit on the day of your hearing and click on Judge DeBerry's virtual courtroom. If your motion is resolved/withdrawn, please e-mail Cecilia Cessna at cessnac@horrycounty.org.

CONTINUANCES: Must be e-filed as a motion together with a proposed order along a \$25.00 filing fee no later than Monday, March 28, 2022 at noon. Any memos and briefs are to be mailed / e-mailed to the Judge of the week 10 days prior to the hearing.

AK

Mail Notice To:

Loretta Demaria
3565 Forestbrook Rd

Myrtle Beach, SC 29588

Court Info:

Common Pleas
1301 2Nd Avenue
P O Box 677
Conway, SC 29528-9528

If you have any questions regarding the scheduling of this motion, please contact the courts at:
(843)915-5080

Respectfully,

Renee N. Elvis
Renee N. Elvis
Clerk of Court

91 7199 9991 7039 6494 9063

ELECTRONICALLY FILED - 2022 MAR 15 9:52 AM - Horry County - COMMON PLEAS - CASE: 2021CP2607445

CLL Coastal Law, LLC

Attorneys & Counselors at Law

843-488-5000

May 26, 2022

*Via Hand Delivery via
Process Server*

Mr. Frank DeMaria
Ms. Brittany Hunter
Ms. Loretta Demaria
3700 Ed Smith Avenue
Myrtle Beach, SC 29588

**RE: Cindy Smith and Richard Smith vs. Frank DeMaria, Brittany Hunter and
Lorretta DeMaria
Case Number: 2021-CV-26-1091841**

**Loretta DeMaria vs. Cindy Smith, et al.
Case Number: 2021-CP-26-2607445
Our File: CL21-402**

Dear Mr. and Mrs. DeMaria and Ms. Hunter:

Due to your failure to pay your bond for the month of May 2022, an Order of Non-Compliance was issued by the Central Jury Court against you which dismissed your Appeal. Copies of the Order of Non-Compliance and the Order dismissing your Appeal are enclosed.

We will be scheduling your ejection from the property as soon as practical. You are instructed not to destroy or damage or harm the property in any way. If any such action occurs, we will pursue any and all legal and equitable remedies against you.

With kind regards, I am

Very truly yours,

COASTAL LAW, LLC

S/Russell W. Fry

Russell W. Fry, Esquire

RWF:kh/Encs.

MAIL: 1314 SECOND AVENUE, CONWAY, SC 29526

CONWAY OFFICE
Across from Courthouse
1314 2nd Avenue
Conway, SC 29526

MYRTLE BEACH OFFICE
Across from Myrtle Beach Courthouse
1104 Oak St.
Myrtle Beach, SC 29577

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE MAGISTRATE'S COURT
Common Pleas #: 2021-CP-26-7445
Civil #: 2021CV261091841

Richard Smith

Plaintiff(s)

-vs-

Frank Demaria,
Brittany Hunter,
Loretta Demaria,

Defendant(s)

LANDLORD'S AFFIDAVIT OF NON-COMPLIANCE


FILED
HORRY COUNTY
2022 MAY 24 P 2:46
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

I, Cindy Smith, the Plaintiff/Landlord In this action do make the following claims:

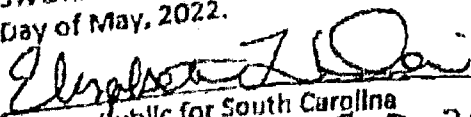
- A. Pursuant to Section 27-40-800 of the S.C. Code of Laws, a Bond hearing was held in conjunction With Civil Case # 2021CV261091841.
- B. Tenant signed Bond to Stay Execution of Warrant of Ejectment, agreeing to pay unto the Landlord As required with five (5) days from Bond Hearing.
- C. Tenant has FAILED to pay the required BOND in the amount of \$2600.00 due by May 13, 2022 @ 5:00 PM.

I state under penalty of perjury that the above is correct and truthful, except those based on my information and belief.

Date: 5-23-22


Richard Smith
Plaintiff/Landlord/Property Management Co.

SWORN to before me this 23
Day of May, 2022.


Notary Public for South Carolina
My commission expires: 5-3-2023