

To: Fax # (303) 734-1839
Court of Appeals [Supreme Court], A.C.

5/27/22
~~5/19/22~~

pg 1/5.

From: John Fontana

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May 27 2022

SC Court of Appeals

Form 1
Notice of appeal In a Civil Case

The State of South Carolina
In The Court of Appeals
[In The ~~Magistrate~~ Supreme Court]

Appeal From Horry County
Court of Common Pleas
&
Court of the Magistrate

Steven H. John, Circuit Court Judge
Christopher J. Arakas, Magistrate Judge

Common Pleas Case # 2021 CP 2605635
Civil Case # 2021 CV 261091380

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May 27 2022

SC Court of Appeals

Meady Grove Mobile Home Park,

Respondent

V.

John FONTANA,

Appellant

Notice of appeal

John FONTANA appeals the orders [judgments] of the Honorable Steven H. John dated February 23, 2022, & the Honorable Christopher J. Arakas dated February 17, 2022 (Writ of Ejectment & Order of Non-Compliance) & May 11, 2022 (Denial of Motion to Stay & Reconsideration Hearing). Appellant received written notice of entry of the order [ejectment judgment] on April 29, 2022 from the magistrate, & no written notice from the Court of Common Pleas. Appellant received no written notice of Order of Non-Compliance from either Court.

May 12, 2022

Other Counsel of Record:
Thomas W. Winslow
11019 Ocean Highway
Pawleys Island, SC 29585
attorney for Respondent
(843) 357-9301

John Fontana
JOHN FONTANA
c/o: [REDACTED]
107-17 111 Street
Richmond Hill, NY 11419
c/o: (929) 499-8227
Pro se Appellant

Form 7

Proof of service of a notice of appeal

The State of North Carolina
In the Court of Appeals
[In The Supreme Court]

Appeal From Horry County
Court of Common Pleas
4
Court of The Magistrate

Steven H. John, Circuit Court Judge
Christopher J. Arabas, Magistrate Judge

Common Pleas Case No. 2021 CP 2605635
Civil Case No. 2021 CV 261091380

Shady Grove Mobile Home Parks

John FONTANA,

V.

Respondent

Appellant

Proof of service

I certify that I have served the notice of appeal on Shady Grove mobile Home Parks by faxing it to their attorney of record, Thomas W. Winslow, at (843) 357-9303 on May 27, 2022. Also on May 27, 2022, I faxed it to the magistrate at (843) 444-6131, and to the Court of Common Pleas at (843) 915-6081 on May 27, 2022.

May 27, 2022

John Fontana

JOHN FONTANA

c/o: [REDACTED]

107-17 111 Street

Richmond Hill, NY 11419

c/o: (929) 499-8227

Pro Se Appellant

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May 27 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

HORRY COUNTY
SHERIFF'S OFFICE

2022 FEB 22 PM 1:35

2021CV261091380
CIVIL CASE NUMBER
2021CP2605635

JL

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Shady Grove Mobile Home Park
613 5Th Ave S
Myrtle Beach, SC 29577
(843) 685-1422

PLAINTIFF(S)

Vs

John Fontana
601 6Th Ave S Lot 87
Myrtle Beach, SC 29577

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May 27 2022

SC Court of Appeals

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

Upon Judgment of this Court, rendered on the 12th day of August, 2021, you are hereby Ordered to proceed to the premises located at **601 6Th Ave S Lot 87 Myrtle Beach, SC 29577.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate the premises. If the premises appear unoccupied and no one responds to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.**

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, a deputy sheriff may enter the premises using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway. All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

The Tenant further has until **Monday, February 28, 2022 to remove the mobile home from 601 6th Ave S Lot 87 in Myrtle Beach SC.** Should the Tenant fail to remove the mobile home, the Landlord may start the judicial sale process after Thursday, March 10, 2022.

February 17, 2022

Myrtle Beach Magistrate Court

A. TACK, being duly sworn state that:

- I personally served a copy of this Writ on _____ an occupant of the rental unit
- On 3/1 2022, at 1119a the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: 3/1, 2022

Sheriff/Deputy Sheriff/Constable

Motion to Proceed in Forma Pauperis

The State of South Carolina

In The Court of Appeals

[In The Supreme Court]

Appeal From Heavy County
Court of Common Pleas

Court of the Magistrate

Steven H. John, Circuit Court Judge

Christopher J. Cooper, Magistrate Judge

Common Pleas Case No. 2021 CP 2605635

Civil Case No. 2021 CV 261091330.

Shady Grove Mobile Home Park
↓

John FONTANA,

Respondent

Appellant

Motion to Proceed in Forma Pauperis

I certify that I filed a similar ~~motion~~ ^{affidavit} with the Court of Common Pleas for this first appeal on 8/20/21, and it was granted. Since then my situation has gotten worse. I've been unfairly evicted, (without being given any ~~opportunity~~ notice or opportunity to give an advance stance against the Respondent's false affidavit of my claiming I was in non-compliance) and ~~my~~ all my things have been thrown out and destroyed. As of now, my home does not belong to me. I still have no income, and my health has deteriorated.

Thank you.

May 12, 2022

John Fontana

JOHN FONTANA

c/o: ~~██████████~~

107-17 111 Street

Richmond Hill, NY 11419

c/o: (929) 499-8227

Probe Appellant

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May 27 2022

SC Court of Appeals