

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

PRISCILLA CALVO
P.O. Box 5331
North Myrtle Beach, SC 29582

PLAINTIFF,

VS.

RODGER LEE GAMBLE
2710 S. Ocean Blvd., UNIT # 1
North Myrtle Beach, SC 29582

DEFENDANT.

)
) IN THE MAGISTRATE COURT

)
) CIVIL CASE NUMBER 2021CV261030147

)
) MOTION AND ORDER FOR DISMISSAL
) OF WRIT OF EJECTMENT

RECEIVED

Jun 02 2022

SC Court of Appeals

DEFENDANT'S MOTION AND ORDER FOR DISMISSAL OF WRIT OF EJECTMENT

NOW INTO COURT, through undersigned party, comes RODGER GAMBLE, Defendant, petitioning this court seeking to dismiss the County Court's Order for Writ of Ejectment which departed from the essential requirements of law, denied Defendant of statutory procedures ie: due process, since the County Court was without subject matter jurisdiction to issue a Writ of Ejectment against the Defendant.

Pursuant to the SC Code of Laws SECTION 18-7-10 and SCAR 201, Defendant advanced and timely filed an Appeal at the County Circuit Court contesting the original complaint and invoking the Affirmative Defense of wrongful "RETAILIATORY EVICTION", then the County Circuit Court stated to Defendant that the matter was outside of their jurisdiction and that it needed to be appropriately appealed at the State Appellate Court level in Columbia, South Carolina, which is currently where this matter is resides.

It is well settled that Plaintiff's action is wrongful and protected by the Appeal, unless the Appellate Court dismisses this matter for cause, in which case the Plaintiff will be properly notified according to the SCAR.