

MAGISTRATE COURT and MUNICIPAL COURT APPEALS

DISCLAIMER

The information provided in this guideline sheet is cited from current South Carolina law. It does not constitute legal advice, nor can it replace the advice of an attorney. The Clerk of Court's Office is prohibited from providing you with legal advice. Therefore, you are strongly encouraged to seek the advice of an attorney in any legal matter. **If you decide to file an Appeal in the Court of Common Pleas without an attorney, you are responsible for preparing, serving and providing proof of service of your filings and researching the law and rules on how to proceed with your appeal.**

Helpful Links

- South Carolina Judicial Branch self-help resources for self-represented filers: <https://www.sccourts.org/resources/general-public/self-help-resources>.
- South Carolina Code of Laws: <https://www.scstatehouse.gov/code/statmast.php>.
- South Carolina Rules of Civil Procedure: <https://www.sccourts.org/resources/judicial-community/court-rules/civil>.

FILING FEE SCHEDULE FOR APPEALS

Magistrate Eviction Appeals	\$150 Cash or Money Order Only
Magistrate Civil Appeals	\$150
Magistrate Criminal Appeals	No Filing Fee
Municipal Criminal Appeals	No Filing Fee

MAGISTRATE COURT EVICTION APPEALS

South Carolina Code of Laws § 27-13-120, et seq. – Either party may appeal in an ejectment case and such appeal shall be heard and determined as other appeals in civil cases from the magistrate's court.

An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate.

South Carolina Code of Laws § 27-40-800(b) – "No court shall stay an execution of a judgment for ejectment. Upon appeal to the circuit court, the tenant may file an affidavit with the circuit court or the magistrate having jurisdiction, in which the tenant promises to pay to the landlord the amount of rent, determined by the magistrate in accordance with Section 27-40-780, as it becomes due periodically after the judgment was entered, in exchange for a stay of the execution of a judgment for ejectment. Once the affidavit is accepted by the court, any magistrate or circuit court judge shall order a stay of execution upon the undertaking."

The Clerk's Office cannot answer questions regarding Eviction Appeal Bonds. All questions regarding Appeals Bonds should be directed to the Magistrate Court.

MAGISTRATE COURT CIVIL APPEALS

South Carolina Code of Laws § 18-7-20 – “The appellant, within thirty days after written notice of judgment has been given him . . . shall serve a notice of appeal, stating the grounds upon which the appeal is founded.”

Magistrate Court Rule 18 – “Within thirty (30) days after delivery of written notice of judgment to the parties or their attorneys, a party wishing to appeal shall serve on the respondent and file a notice of appeal containing a statement of the grounds for appeal with the magistrate rendering the judgment and with the Circuit Court of the County where the judgment was rendered.”

South Carolina Rules of Civil Procedure, Rule 74 – “Notice of appeal to the circuit court must be served on all parties within thirty (30) days after receipt of written notice of the judgment, order or decision appealed from. In all such appeals the notice of intention to appeal shall be filed with the clerk of the court to which the appeal is taken and with the inferior court or administrative agency or tribunal within the time provided by the statute, or by this rule when no time is fixed by statute, for service of the notice of intention to appeal.”

South Carolina Code of Laws § 18-7-20 – “The appellant, within thirty days after written notice of judgment has been given him . . . shall serve a notice of appeal, stating the grounds upon which the appeal is founded.”

MAGISTRATE COURT CRIMINAL APPEALS

South Carolina Code of Laws § 18-3-30 – “The appellant, within ten days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.”

MUNICIPAL COURT APPEALS

South Carolina Code of Laws § 14-25-95 Notice of intention to appeal, setting forth the grounds for appeal, must be given in writing and served on the municipal judge or the clerk of the municipal court within ten days after sentence is passed or judgment rendered, or the appeal is considered waived.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Civil Action Coversheet

Appellant(s)

v.

Case No. _____

Respondent(s)

Submitted By: _____
Address: _____

SC Bar Number: _____
Telephone #: _____
Fax #: _____
Other: _____
Email: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

DOCKETING INFORMATION (Check all that apply)

****If Action is Judgment/Settlement do not complete***

- ☐ **JURY TRIAL** demanded in complaint.
- ☒ **NON-JURY TRIAL** demanded in complaint.
- ☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting Party Signature: _____

Date: _____

Nature of Action (Check one box below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199)

**Torts- Professional
Malpractice**

- ☐ Dental Malpractice (200)
 - ☐ Legal Malpractice (210)
 - ☐ Medical Malpractice (220)
 - ☐ Notice of Intent Case #
-
- ☐ Notice File. Med Mal (230)
 - ☐ Other (299)

Torts- Personal Injury

- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399)

Inmate Petitions

- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Application Payment Rights (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799)

Administrative Law/Relief

- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture- Petition (840)
- ☐ Forfeiture- Consent Order (850)
- ☐ Other (899)

Special/Complex/Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out of County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)
- ☐ Other (699)

Appeals

- ☐ Arbitration (900)
- ☐ Magistrate- Civil (910)
- ☐ Magistrate- Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Service Comm. (991)
- ☐ Other (999)

Appellant (or his attorney)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
13TH JUDICIAL CIRCUIT

**CERTIFICATE OF SERVICE
(Notice of Appeal)**

Appellant,

vs.

Respondent.

Case No.: _____

I certify that on this date, I served a copy of the Notice of Appeal in this action, dated

_____, on _____ by:

☐ Delivering it to him/her personally;

☐ Mailing it to him/her, at his/her last known address, by depositing it in the U.S.
Mail, in an envelope with sufficient postage affixed, addressed as follows:

☐ Other: _____

Date

Signature

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
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☐ Other: _____

Date

Signature