

## **PLAINTIFF'S DIRECTIONS FOR FILING AN EJECTMENT (EVICTION)**

- 1) COMPLETE THE APPLICATION FOR EJECTMENT FORM
- 2) SUBMIT THREE COPIES OF APPLICATION, LEASE AND/OR 30-DAY NOTICE TO VACATE UPON FILING THE APPLICATION OF EJECTMENT FORM WITH THE COURT. YOU WILL NEED TO SEND THE 30 DAY NOTICE TO THE DEFENDANT BY CERTIFIED/RETURN RECEIPT MAIL.
- 3) RECEIVE A RECEIPT. A CASE NUMBER SIMILAR TO (MC25050000) WILL BE PRINTED ON THE BOTTOM OF THE RECIEPT. PLEASE MAKE NOTE OF THIS NUMBER; IT IS HOW YOUR CASE IS FILED, LOCATED, AND IDENTIFIED.

PLAINTIFF/LANDLORD MUST HAVE A WRITTEN LEASE OR RENTAL AGREEMENT TO FILE FOR EVICTION. IF NO LEASE EXISTS, BUT A VERBAL AGREEMENT DOES, THE PLAINTIFF/LANDLORD MUST GIVE THE DEFENDANT/TENANT THIRTY (30) DAYS WRITTEN NOTICE TO VACATE THE PREMISES AND ATTACH A COPY OF THE WRITTEN LETTER THAT WAS SERVED ON THE DEFENDANT/TENANT TO VACATE.

BELOW IS THE PROCEDURE THAT IS FOLLOWED WHEN PAPERS ARE BROUGHT INTO THIS OFFICE.

STEP#1: THE PAPERS ARE PROCESSED AND SERVED BY OUR LOCAL SHERIFF DEPT., WHEN THE DEFENDANT IS IN PECEIPT OF THE PAPERS HE/SHE MUST VACATE THE PREMISES OR APPEAR AT THE RULE TO SHOW CAUSE HEARING AT THE SPECIFIED TIME AND DATE THAT APPEARS ON THE RULE TO SHOW CASE HEARING FORM. (THE PLAINTIFF/LANDLORD WILL RECEIVE A COPY OF THIS FORM BY MAIL)

STEP#2: THE PLAINTIFF/LANDLORD MUST NOTIFY THE COURT IF THE DEFENDANT/TENANT HAS VACATED THE PREMISES OR FOR WHATEVER REASON THE CASE SHOULD BE DISMISSED BY PUTTING YOUR RESPONSE IN WRITING. IF THE DEFENDNAT/TENANT DOES NOT VACATE, THE PLAINTIFF/LANDLORD MUST APPEAR AT THE RULE TO SHOW CAUSE HEARING.

\*\*\*\*\* WHEN FILING IF THE PLACE OF EMPLOYMENT IS KNOWN PLEASE DOCUMENT IT ON THE FORM UNDER APPLICATION OF EJECTMENT.

\*\*\*\*\* IF THE ABOVE STEPS AND DIRECTIONS ARE FOLLOWED AS INSTRUCTED IT WILL ASSURE A MORE EFFICIENT SYSTEM AND COURT PROCESS.

\*\*\*\*\* IT IS ALSO VERY IMPORTANT FOR YOU, THE PLAINTIFF/LANDLORD, TO KEEP UP TO DATE WITH YOUR EVICTION.

\*\*\*\*\* WHEN THIS FORM IS SUBMITTED WITH THE FILING AND SERVICE FEES IT ALSO HAS TO BE NOTARIZED.

MAKE CHECKS PAYABLE TO MAGISTRATE COURT

HAMPTON COUNTY MAGISTRATE  
P.O. BOX 1299  
VARNVILLE, SC 29944

FILING FEE: \$30.00  
SERVICE FEE: \$10.00  
\$50.00

TELEPHONE: (803)943-7511  
FAX: (803)943-7557

## **Rule to Vacate General Procedures**

- Once the Application for Ejectment is filed with the \$40.00 fee, the Sheriff Dept. will attempt to serve the Rule to Vacate to the tenant three times, with the attempts separated by at least 24 hours.
- If at any point in the process the arrears are paid in full and you do not wish to evict the tenant or the tenant vacates, the Court should be notified in writing of such (fax at 803-943-7557).
- If the tenant is personally served, the paperwork will return to the court, upon which your case is scheduled for court
- At this time, if both you and the tenant appear for court, you can complete a signed agreement with the tenant for the amount and date of payment(s) to be made. If the tenant does not follow the agreement, you may file to proceed to the final step in the eviction process (see below).
  - (a) If both you and the tenant appear for court, you also have the option of a hearing before the Judge.
  - (b) If you appear for court and your tenant does not, you may complete an Affidavit and file for the final step (see below).
  - (c) If you do not appear for court and the tenant does or does not appear, the case is generally dismissed.
- If the tenant is not personally served, the process server will post the Rule to Vacate on the door each time he attempts service. When the Rule to Vacate is returned to the court, you will be contacted to pay the \$5.00 non-service mailing fee. The court then mails the Rule to Vacate to the tenant. The Rule to Vacate states: “Failure to vacate in 10 days or contact the court may result in a Writ of Ejectment”. Sometimes the tenant will vacate; sometimes the tenant will contact our office. Upon contact, a court hearing date is scheduled. If the tenant does neither of these, you must wait 21 days from the date the Rule is mailed before the final step may be done.
- Final step: Writ of Ejectment. The deputy will serve or post the Writ of Ejectment with a 24-hour notice to the tenant to vacate. The deputy will telephone you to see if indeed the tenant(s) vacated and if not, will schedule with you a date and time to do a setout. The deputy does not move furniture; he/she is there to supervise the property of the tenant being moved to curb side. The filing fee for a Writ is \$10.00. An Affidavit of Landlord is to be completed at the time of filing. Plaintiff must contact Sheriff’s Dept. to set up a time to serve writ.

# Plaintiff's Notice to Tenant Regarding Eviction Action

Before filing a Rule to Vacate, the plaintiff must give the tenant a notice informing that the eviction action will begin if the necessary conditions are not met.

- The notice must be certified mail (return receipt) or hand delivered with a witness. Posting a notice on the tenant's door is not considered proper service.
- If the notice of non-payment is written in the lease, no other non-payment notice is necessary. Section 27-40-710(B) in the S.C. Code of Laws outlines a proper notice in the lease: **“IF YOU DO NOT PAY YOUR RENT ON TIME, THIS IS YOUR NOTICE.** If you do not pay your rent within five days of the due date, the landlord can start to have you evicted. You will get no other notice as long as you live in this rental unit.”
- Only one notice of non-payment is necessary during the rental period even if more than one eviction action is initiated.
- To count the days, begin *the day after mailing*. (For example, for a 5 day notice for non-payment of rent: If mailed on Friday, Saturday begins day one and Wednesday would be day five. After five *full* days, you could begin the eviction action on Thursday.) The date in which the tenant signs for the letter is not relevant in considering proper notice being given.

	With Lease	Without Lease
5 days	Non-payment of rent	30 day notice
14 days	Lease has been violated	
20 days	Tenant at will	
30 days	Terms of tenancy is over	

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

\_\_\_\_\_  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
CITY STATE ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

APPLICATION FOR  
EJECTMENT  
(Eviction)

-VS-

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
CITY STATE ZIP CODE

I, \_\_\_\_\_, plaintiff in this action, state that I am the  
landlord-lessor of premises within the jurisdiction of Magistrate \_\_\_\_\_  
which are described as: (address and description of premises – apartment, house, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I further state that, with regard to the above described premises, a landlord-tenant  
relationship exists between myself and the defendant  
\_\_\_\_\_, the tenant-lessee, as evidenced by the following:  
(Attach lease papers or other written proof.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to and Subscribed before me, )  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ )

\_\_\_\_\_)  
Magistrate or Notary Public for South Carolina )

\_\_\_\_\_  
PLAINTIFF (or his attorney)

My Commission expires: \_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

\_\_\_\_\_  
CIVIL CASE NUMBER

\_\_\_\_\_  
PLANTIFF(S) )

IN THE MAGISTRATE'S COURT

\_\_\_\_\_  
STREET ADDRESS )

\_\_\_\_\_  
CITY STATE ZIP CODE )

PHONE # \_\_\_\_\_ )

AFFIDAVIT AND ITEMIZATION  
OF ACCOUNTS

-VS- )

\_\_\_\_\_  
DEFENDANT(S). )

\_\_\_\_\_  
STREET ADDRESS

\_\_\_\_\_  
CITY STATE ZIP CODE

Plaintiff, \_\_\_\_\_, personally appearing before me, who being duly sworn, states that he is the plaintiff in this action and that the itemization of accounts which follows is true and correct.

He further states that no part of the sum included in the itemization below has been paid or satisfied in any fashion, and is today due and owed to him.

ITEMIZATION OF ACCOUNTS

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

(Copies of bills, papers or other proof of any of the above accounts should be attached to this document.)

Sworn to before me )  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ )

\_\_\_\_\_  
Magistrate or Notary Public for South Carolina )

\_\_\_\_\_  
PLAINTIFF (or his attorney)

My Commission expires \_\_\_\_\_ )