

All appeals are to be filed in writing with the Berkeley County Clerk of Court's Office located at the Berkeley County Court House, 300 California Avenue, Moncks Corner, SC.

A filing fee of \$150.00 is required to file an appeal for a civil case. There is no charge to file an appeal for a criminal or traffic case. The appeal process for different types of actions in the Magistrate's Court are as follows:

Evictions: The appeal has to be filed with the Clerk of Court within 5 days of the hearing. Either party may appeal the decision but if the tenant does so, he must post what is called a Bond to Stay, the amount of which is determined by the magistrate. Typically in this Bond to Stay, the tenant is responsible for any back rent that may be owed as well as paying any future rent as long as the case is under appeal. The tenant must post this bond within five days after the service of the notice of appeal or the appeal may be dismissed by the magistrate.

Claim and Delivery: The appeal has to be filed with the Clerk of Court within 30 days of the hearing. If the defendant appeals before turning the property over to the plaintiff, he must put up a bond for the value of the property until a Circuit Court judge hears the appeal. (§ 18-9-150)

Small Claim Court: The appeal has to be filed with the Clerk of Court within 30 days of the hearing.

Traffic or Criminal Court: The appeal has to be filed with the Clerk of Court within 10 days from the date of trial.

After an appeal is filed with the Clerk of Court's Office, your appeal will be scheduled to go before a Circuit Court judge. The judge will hear your appeal to decide if the court made any error in law. Depending on the Circuit Court judge's decision, your case will either be dismissed or sent back to the Magistrate's Court for a new trial.