



South Carolina Supreme Court Order – UPDATED APRIL 3, 2020 RE: Operation of the Trial Courts During the Coronavirus Emergency

On the evening of April 3, 2020, the South Carolina Supreme Court issued South Carolina Appellate Order 2020-04-03-01 entitled *Operation of the Trial Courts During the Coronavirus Emergency*. The full text of this Order is included within the below hyperlink.

This Appellate Order defines “Judges” to include Masters-in-Equity and Special Referees (the judges that hear foreclosure matters in South Carolina). However and most importantly, this Order does NOT rescind or alter South Carolina Supreme Court Appellate Order 2020-03-18-01 entitled *Statewide Evictions and Foreclosures* which imposes a statewide moratorium on foreclosure hearings, foreclosures sales, writs of assistance, and writs of ejectment and the subsequent *Statement on Evictions and Foreclosures from Chief Justice Beatty* which states, “As of now, the moratorium on evictions and foreclosures is scheduled to end on May 1, 2020.” The full text of both the Appellate Order and Statement from the Chief Justice are included in the below hyperlinks.

Several important points from the April 3rd Supreme Court Appellate Order (*Operation of the Trial Courts During the Coronavirus Emergency*) are as follows:

- In the first paragraph (“Purpose”), the Supreme Court recognizes, in creating these court procedures and rules, that “the direct impacts of this pandemic will continue for many months.”
- Non-Jury Trials and Hearings (to include foreclosure actions) may be conducted using remote communication technology to avoid the need for a physical appearance by any party, witness, or counsel. If an in-person hearing is conducted, only attorneys, parties and necessary witnesses will be allowed to appear, and the hearings must be staggered to ensure that no more than ten (10) people are in the court room at one time.
- The time for a party to respond to a Summons and Complaint/First Legal has been extended from 30 days to 60 days. The Court states in Paragraph 9(A): “Further, since it is important for lawyers and self-represented litigants appearing before the trial courts to have time to take actions to protect themselves and their families, the due dates for all trial court filings due on or after the effective date of this order [April 3, 2020] are hereby extended for thirty (30) days.”
- Per Paragraph 9(B) (“Forgiveness of Procedural Defaults Since March 13, 2020”) allows for any party-defendant that failed to respond to a Summons and Complaint with a due date of March 13, 2020 - April 3, 2020 shall have an additional thirty (30) days from the effective date of the Order [April 3, 2020] to respond to the Summons and Complaint/First Legal.
- Paragraph 16 (“Certification in Lieu of Affidavit”) states, “If a statute, court rule or other provision of law requires an affidavit to be filed in an action, the requirement of an affidavit may be satisfied by a signed certification of the maker stating, “I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.” This paragraph is important as Affidavits of Indebtedness (from the mortgage lenders and servicers) to support future foreclosure judgments may be in the form of a Certification (as outlined above) instead of a notarized Affidavit.

[Order 2020-04-03-01 - CLICK HERE](#)

[Appellate Order 2020-03-18-01 - CLICK HERE](#)

[Chief Justice Statement on FC & EVIC - CLICK HERE](#)

South Carolina COVID-19 E-blasts Summary

Most importantly, we hope this message finds you, your colleagues, and your family healthy and safe.

Scott & Corley, PA remains fully operational, and we are here to assist with any questions you may have surrounding the evolving COVID-19 crisis and its impact on the South Carolina judicial system.

To help you navigate these evolving judicial and legislative directives, we have assembled all of our COVID-19 E-blast Updates & Announcements into the directory below.

Additionally and as needed, our firm stands ready to provide virtual training/meeting space via Webex or hosted conference call and to provide further clarification on any matters at hand. As our valued clients, we will ensure that your interests are always protected and served in South Carolina. Please advise if you need more information or further clarification on any of the matters outlined below.

WE ARE IN THIS CRISIS TOGETHER, and WE ARE HERE TO SERVE AND ASSIST YOU!

Recent E-Blast Updates - Clickable Links Below

- [April 2, 2020 - South Carolina Supreme Court Update](#)
- [April 2, 2020 - South Carolina Bankruptcy Court Procedure Update](#)
- [March 30, 2020 - CARES ACT Legal Update](#)
- [March 25, 2020 - South Carolina Courts Legal Update](#)
- [March 24, 2020 - Loss Mitigation Compliance Amid COVID Regulation](#)
- [March 23, 2020 - Loss Mitigation & Order Summary](#)
- [March 19, 2020 - SC Chief Justice Administrative Orders](#)
- [March 19, 2020 - GSE / SC BKY Updates](#)
- [March 18, 2020 - FNMA Press Release](#)
- [March 17, 2020 - South Carolina County Updates](#)
- [March 16, 2020 - South Carolina Supreme Court Memo](#)
- [March 16, 2020 - South Carolina Governor Executive Order Update](#)
- [March 12, 2020 - South Carolina Bankruptcy Update](#)
- [March 4, 2020 - Firm Covid-19 Initial Update](#)