**MOTION FOR PRELIMINARY INJUNCTION**

**(Expedited Hearing Requested)**

Plaintiff asks that this Court issue a Preliminary Injunction pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure and S.C. Code Ann. § 27-40-610(b) requiring Defendant to make the repairs or remedy the conditions listed below for the reasons stated in the Verified Complaint filed in this case and for those that follow:

1. Defendant has failed to remedy the problems listed in Paragraph 2 of the Verified Complaint filed in this case after being given notice and a reasonable time to perform the needed repairs;
2. Plaintiff is suffering irreparable harm as a result of Defendant’s failure to perform the needed repairs;
3. This harm will continue until a trial can be held in this case unless this Court issues an injunction requiring Defendant to make the needed repairs immediately;
4. Plaintiff is entitled to injunctive relief under these circumstances pursuant to S.C. Code § 27-40-610 without posting bond.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court hold grant the following relief:

1. That the Court hold a hearing on this motion as soon as possible.
2. A Preliminary Injunction requiring Defendant to make the following repairs and do whatever is necessary to comply with Defendant’s obligations under the parties lease agreement and S.C. Code § 27-40-440 while this case is pending:
   1. Click here to enter text.
3. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

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

June 27, 2018

**ORDER GRANTING PRELIMINARY INJUNCTION**

A hearing on Plaintiff’s Motion for Preliminary Injunction was held on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Plaintiff  was/ was not present or represented by counsel and Defendant  was/  was not present or represented by counsel. Based upon the submissions of the parties, I find that:

1. Plaintiff has alleged facts showing that Defendant has violated (check all that apply) the parties lease agreement/ S.C. Code § 27-40-440 and is likely to succeed on the merits;
2. Plaintiff will suffer immediate and irreparable harm if a preliminary injunction is not granted ;
3. Plaintiff has no adequate remedy at law;
4. While Rule 65(c) SCRCP requires that security be posted in such sum as the Court deems proper prior to the issuance of a restraining order or injunction, S.C. Code Ann. § 27-40-610(b) specifically permits a tenant to obtain injunctive relief for a landlord’s violation of S.C. Code Ann. § 27-40-440 without posting bond.

**THEREFORE**, it is **ORDERED** that:

1. Defendant shall immediately make the following repairs to the property at issue in this case;
   1. Click here to enter text.
2. Plaintiff shall not be required to post bond as a condition of the relief granted herein pursuant to S.C. Code § 27-40-610(b).
3. If Defendant fails to comply with the terms of this Order within \_\_\_\_ days of the date they are served with it, Plaintiff may apply for, and this Court will issue, appropriate sanctions against Defendant.
4. This Order shall dissolve upon final disposition of this case unless otherwise ordered by this Court.

It is so **ORDERED**,

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, South Carolina Magistrate Judge

**VERIFIED COMPLAINT**

**(S.C. Code § 27-40-610)**

Plaintiff files this action asking this Court to order that Defendant be required to make the repairs requested herein and to award Plaintiff damages and other relief based on Defendant’s failure to maintain leased property as required by the parties lease agreement and S.C. Code § 27-40-440. Plaintiff states that:

1. Plaintiff occupies the property located at Click here to enter text. in Click here to enter text. County, South Carolina pursuant to the terms of a [verbal/written] rental agreement with Landlord.
2. Defendant is in material noncompliance with the provisions of S.C. Code § 27-40-440 in the following particulars:
   1. Click here to enter text.
3. On or around Click here to enter a date. Plaintiff delivered to Defendant a written notice advising Defendant of the noncompliance referenced in Paragraph 2 above.
4. Defendant has failed to make adequate repairs within a reasonable time after notice.
5. Plaintiff is informed and believes that Defendant’s failure to remedy the noncompliance referenced above is willful and that it is causing Plaintiff irreparable harm because Click here to enter text..
6. Plaintiff is informed and believes that s/he has no adequate remedy at law for these violations.

**THEREFORE,** Plaintiff request that this Court grant me the following relief:

1. Find that Defendant is in violation of the parties lease agreement and/or S.C. Code § 27-40-440;
2. Issue an order requiring Defendant to immediately remedy or repair the conditions complained of and do whatever is necessary to bring the property into compliance with the lease agreement and S.C. Code § 27-40-440;
3. Award Plaintiff the actual damages caused by Defendant’s conduct according to proof at trial;
4. Award Plaintiff the costs of this action and reasonable attorney’s fees;
5. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

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

June 27, 2018

**VERIFICATION**

PERSONALLY, appeared before me, the undersigned who, being duly sworn, deposes and says under oath that she is the Plaintiff in the foregoing action; that she has read the factual allegations contained in the foregoing Complaint andknows the same to be true, except as to those matters and things alleged upon information and belief and, as to those matters and things, she believes them to be true.

\_\_\_\_\_\_ Plaintiff’s Signature

SWORN BEFORE ME THIS

\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_\_.

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

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_