

The South Carolina Court of Appeals

Haven at Monty, LLC, dba The Monty, Respondent,


v.

Atia Johnson, Appellant.

Appellate Case No. 2023-000774

ORDER

Appellant appeals the circuit court's May 15, 2023 order dismissing her appeal of an eviction, dissolving the stay of execution, and granting Respondent a writ of ejectment, after Appellant failed to pay the appeal bond set by the magistrate. Appellant has now filed a motion to stay with this court. After careful consideration, the motion is denied because Appellant has failed to comply with the requirements of S.C. Code Ann. § 27-40-800 (2007). *See* § 27-40-800 (e) ("If the tenant fails to make a payment within five days of the due date according to the undertaking and order staying execution, the clerk, upon application of the landlord, shall issue a warrant of ejectment to be executed pursuant to § 27-37-40 of the 1976 Code."); § 27-40-800(f)(1) ("Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered.").



FOR THE COURT

Columbia, South Carolina

cc:

FILED
May 17 2023

Atia M. Johnson
Michael Ward Harrington, Esquire