

The South Carolina Court of Appeals

Michael Munafo and Kathleen Gabriel, Appellants,

v.

David Osteen, Respondent.

Appellate Case No. 2023-000787

ORDER

Appellant has filed a petition to stay the circuit court's May 9, 2023 order affirming the magistrate court's writ of ejectment. After careful consideration, the petition to stay is temporarily granted pending (1) this court's receipt and review of a return to the petition, and (2) this court's receipt and review of a signed undertaking pursuant to section 27-40-800 of the South Carolina Code. *See* S.C. Code Ann. § 27-40-800(f)(1) (2007) ("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. The judge of the court having jurisdiction shall order stay of execution upon the undertaking."). Respondent's return and Appellant's signed undertaking shall be served and filed within ten days of the date of this order. Any reply to the return shall be served and filed within five days of service of the return.



FOR THE COURT

Columbia, South Carolina

cc:

Michael Munafo

Kathleen Gabriel

Ernst Allen Neumeister, Jr., Esquire

FILED
May 26 2023
