

The South Carolina Court of Appeals

Bertram Gaines and Sheila Wilson, Appellants,

v.

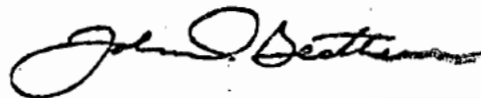
Joanne Fields and Frank Fields Jr., Respondents.

Appellate Case No. 2023-000771

ORDER

On March 8, 2023, the magistrate court issued a writ of ejectment after finding Respondents are the record owners of the subject property. On April 26, 2023, the circuit court affirmed the eviction. On May 8, 2023, Appellants served and filed a notice of appeal with this court, while simultaneously seeking a stay of the eviction from the magistrate. On May 10, 2023, the magistrate issued an ex parte order setting an appeal bond of \$500 and staying the eviction pending a final decision of the court of appeals, "until further order" of the magistrate or "until such time as a new writ of ejectment is issued" by the magistrate. Respondents have now filed a motion to lift the stay.

After careful consideration, Respondents' motion is denied and this appeal is held in abeyance while Respondents file a motion to lift the stay with the magistrate court and the motion is ruled upon. *See* 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."). Respondents shall notify this court immediately upon the issuance of an order by the magistrate. They may then choose to renew their petition with this court, if such relief is still applicable following the magistrate's ruling.



FOR THE COURT

FILED
Sep 21 2023

Columbia, South Carolina

cc:

Jonathan E. B. Lewis, Esquire

Joanne Fields

Frank Fields