

# The South Carolina Court of Appeals

Triangle Palisades at the Park, LLC, d/b/a Palisades at  
the Park, Respondent,

v.

Mercedes Boyd, Appellant.

Appellate Case No. 2022-000741

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## ORDER

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After careful consideration, Respondent's motion to dismiss this appeal is denied. Appellant's motion for default judgment is denied.

This court issued a stay of the eviction on June 2, 2022, because Appellant filed an undertaking with this court on May 21, 2022, in which she agreed to pay her rental amount of \$1410 as it became due, during pendency of the appeal. In her return to Respondent's motion to dismiss, Appellant acknowledges she has not made a rental payment since the end of 2022. Thus, she has not complied with the undertaking. Accordingly, we now lift the stay, and Respondent may proceed with seeking a new writ of ejection from the magistrate court. *See* S.C. Code Ann. § 27-40-800(f)(2) ("The tenant's failure to comply with the terms of the undertaking entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section."); S.C. Code Ann. § 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 ejection to be executed pursuant to § 27-37-40 of the 1976 Code."); S.C. Code Ann. § 27-37-40 ("If the tenant fails to appear and show cause within the aforesaid ten days then the magistrate shall issue a warrant of ejection and the tenant shall be ejected by his regular or special constable or by the sheriff of the county.").

  
C.J.  
FOR THE COURT

Columbia, South Carolina.

cc:

Mercedes Boyd

Theodore von Keller, Esquire

**FILED**  
**Jan 16 2024**

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