

# The South Carolina Court of Appeals

Pamela Clarke, Respondent,

v.

Patrick W. Nisbet, Appellant.

Appellate Case No. 2024-000720

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## ORDER

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After careful consideration, Appellants' motion to stay the eviction is temporarily granted. We remand this case to the circuit court to issue an order on Appellants' pending motion for reconsideration, and to hold a hearing on Appellants' motion to stay. The circuit court should consider whether to grant Appellant an appeal bond pursuant to section § 27-40-800(f)(1) of the South Carolina Code. *See* S.C. Code Ann. § 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 ejection 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.").

 H. Bruce Wilson C.J.

FOR THE COURT

Columbia, South Carolina

cc:

Patrick W. Nisbet

Roman Vincent Hammes, Esquire

The Honorable Jennifer B. McCoy

**FILED**  
**May 01 2024**