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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Ct. App. Case No. 2024-001226

Home River GroupRespondent

v.

Ernest McKnight, Jr.Appellant.

RESPONDENT’S RETURN TO APPELLANT’S MOTION TO STAY

Respondent, by and through its undersigned counsel, submits its Return to the Appellant’s Motion to Stay and asserts:

That pursuant to Rule 241(b)(10), SCACR, the stay provided by a notice of appeal filed on an ejectment order in the South Carolina Court of Appeals is excepted to and conditioned by S.C. Code of Laws §§ 27-37-130 and 27-40-800 (f)(1).

That South Carolina Code of Laws Section 27 – 40 – 800(f)(1) states that it is sufficient to stay execution of a judgment for ejectment to the tenant sign an undertaking that he will pay to landlord the amount of the rent, determined by the 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”.

That Rule 205, SCACR provides in relevant part: “the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.”

That Respondent, through its undersigned counsel, has filed a motion with the South Carolina Court of Common Pleas requesting an order setting an appeal bond.

Wherefore, Respondent submits its Return to the Appellant’s Motion to Stay.

RESPECTFULLY SUBMITTED

CRAWFORD & VON KELLER, LLC



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Columbia, South Carolina 29204

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ATTORNEYS FOR THE PLAINTIFF

THE STATE OF SOUTH CAROLINA
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Home River GroupRespondent

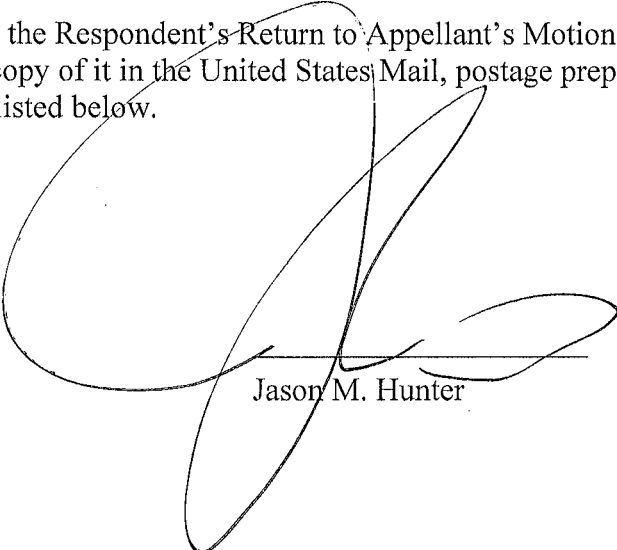
v.

Ernest McKnight, Jr.Appellant.

Proof of Service

I certify that I have served the Respondent's Return to Appellant's Motion to Stay and Proof of Service by depositing a copy of it in the United States Mail, postage prepaid, addressed to Appellants' attorney of record listed below.

G. Robin Alley
Isaacs & Alley
2000 Park Street
Columbia, South Carolina 29201



Jason M. Hunter



CRAWFORD & VON KELLER, LLC

SOUTH CAROLINA
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B. Lindsay Crawford, IV**

NORTH CAROLINA
Benjamin A. Barco
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Daniel L. Crandol
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Charley F. MacInnis
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* Certified Specialist in Bankruptcy
and Debtor-Creditor Law in SC

**Admitted in South Carolina and North Carolina

August 1, 2024

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SC Court of Appeals

Email: ctappfilings@sccourts.org
Clerk, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: **Home River Group vs. Ernest McKnight, Jr.**
Case No: 2024-CP-40-02696
Appellate Case No.: 2024-001226
Our file number: 0062-23-0013.02

Dear Clerk:

Enclosed please find Respondent's Return To Appellant's Motion to Stay and Proof of Service in the above referenced matter. Please file accordingly.

Sincerely,

Jason M. Hunter

JMH/tdd
Enclosures

Cc: G. Robin Alley
Isaacs & Alley
2000 Park Street
Columbia, SC 29201

WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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