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SC Court of Appeals

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Emergency Motion to Stay Execution of Eviction IN THE SOUTH CAROLINA COURT OF APPEALS Carrie L. Fender, Appellant v. Edgemont Apartments, Respondent Emergency Motion to Stay Execution of Eviction Pending Appeal Comes now the appellant, Carrie L. Fender, respectfully requesting that this Court issue an immediate stay of the eviction execution pending the outcome of the appeal. As the primary caregiver for my elderly father, who is on a fixed income and suffering from medical conditions, we face irreparable harm if an eviction proceeds. Furthermore, I have complied with all required procedures, including filing a notice of appeal with the South Carolina Court of Appeals. Timeline of Events 1. On 7/15/2024, I received notice of eviction and on 7/29/2024 I received a writ of possession. 2. I filed an appeal on 8/9/2024 and after a bond hearing on 8/29/2024 I filed a motion with the magistrate's court to reconsider the bond amount due to financial hardship and being unreasonable and unattainable in lieu of this information. The court denied the motion on 8/24/2024 when I went to serve them a copy and without the judge being present or providing an adequate explanation on 9/11/2024. 3. On 9/12/24], I filed a notice of appeal notifying both the summary court and the landlord. Despite this, the summary court has proceeded with scheduling the eviction without proper communication of the set-out date and are here now trying to execute. 4. The court or its clerk failed to notify me after they were served with this appeal on 9/12 that they were not going to honor my request , which further exacerbates procedural unfairness in this matter. Procedural Unfairness The magistrate court's failure to provide a reasonable explanation for the denial of my motion to reconsider the bond amount, combined with the failure of the court or clerk to notify me of the set-out date, has deprived me of a fair opportunity to defend my rights as a tenant. These procedural irregularities undermine the integrity of the judicial process and justify the need for a stay. Irreparable Harm I am currently facing significant financial hardship, having lost my job, had my car repossessed, and am now at imminent risk of eviction. I am the primary caregiver for my elderly father, who is on a fixed income and requires my assistance due to medical conditions. Eviction would not only leave us homeless but also severely disrupt my ability to care for my father, placing his well-being in jeopardy. Legal Grounds for Stay A stay is necessary to preserve the status quo while the appeal is pending. The magistrate court's denial of my motion without a reasonable explanation and the failure to properly notify me of the eviction set-out date demonstrate procedural irregularities that must be addressed on appeal. Without a stay, the eviction would result in irreparable harm, rendering the appeal moot. Conclusion For these reasons, I respectfully request that the Court of Appeals grant an emergency stay of the eviction pending resolution of the appeal. Attached are supporting documents,

including correspondence with the summary court and the landlord, to substantiate the procedural irregularities and hardships described herein. Respectfully submitted, Carrie L. Fender

Carrie L Fender

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