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**Feb 25 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

R.Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2024-CP-43-000366

Randal K Freeman, Appellant,

v.

David Bryan Trapp, Respondent.

**MOTION FOR RELEASE OF BOND WITH CLARIFICATION AND HOLD IN  
ABEYANCE**

COMES NOW, the Appellant, Randal K. Freeman, Pro Se, and respectfully moves this Honorable Court for clarification regarding the release of the bond staying the ejectment order and to hold this matter in abeyance as necessary to protect Appellant's rights pending the outcome of the appeal. In support of this motion, Appellant states as follows:

1. The August 29, 2024, Order granted Appellant's motion for a stay of eviction while this appeal is pending, conditioned upon compliance with the terms of the bond. Specifically, the order requires the payment of \$1,600 in rent to the Sumter County Summary Court on the 10th of each month, beginning September 10, 2024.

2. Due to ongoing harassment by the Respondents and the pending Claim and Delivery action, Appellant intends to vacate the premises at 8 Warren Ct, Sumter, SC 29150, on or by March 10, 2025. Appellant requests confirmation that the release of the bond associated with the stay of ejectment will not affect the continuation of the appeal.
3. The order signed by Judge Kristi F. Curtis states that any issue dealing with eviction must be dismissed by the Court of Appeals. However, this appears to contradict established South Carolina case law, which supports the position that an appeal can continue without the necessity of posting a bond. South Carolina Code § 27-37-130 explicitly states that 'an appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond.' This supports the principle that an appeal itself remains valid regardless of the bond requirement.
4. Additionally, South Carolina Appellate Court Rule 241 establishes that the requirement of a bond pertains to the stay of judgment enforcement and does not impede the substantive right to appeal. Furthermore, under South Carolina Appellate Court Rule 240, a motion can be filed to stay proceedings or hold a matter in abeyance when legal issues require clarification. Rule 240 provides the procedural mechanism through which the Appellant seeks to ensure that the appeal remains pending despite the unlawful conditions imposed by the bond requirement. Additionally, under South Carolina Appellate Court Rule 225, cases must be held in abeyance when an order unlawfully restricts an appellant's right to pursue their appeal, ensuring that due process is upheld. Given that the bond terms in this case illegally order the dismissal of the appeal without bond, the appeal must remain pending until the legality of these terms is clarified.

5. Supporting case law affirms that no bond is required to perfect an appeal and that an appeal should not be dismissed solely due to bond-related issues:
- *Ex parte Perry*, 54 S.C. 314, 32 S.E. 513 (1899), affirms that the right to appeal is independent of the requirement to post bond.
  - *Powers v. State*, 312 S.C. 79, 439 S.E.2d 828 (1993), clarifies that failure to post a supersedeas bond does not impact the substantive right to an appeal.

6. Given these precedents, Appellant respectfully seeks clarification as to whether surrendering the property to the Respondent on March 10, 2025, will cancel or void the appeal, or if it can continue moving forward independently of the bond requirement.

WHEREFORE, Appellant respectfully requests that this Honorable Court, pursuant to South Carolina Appellate Court Rules 241 and 225, which govern the stay of judgment enforcement and require cases to be held in abeyance when unlawful conditions prevent an appeal from proceeding, take the following actions:

1. Confirm that the release of the bond staying the ejectment will not affect the continuation of the appeal.
2. Clarify the legal standing of the August 29, 2024, Order in light of existing case law.
3. Hold this matter in abeyance pursuant to South Carolina Appellate Court Rule 240 and 225, ensuring that the appeal remains active while the legal validity of the bond terms is clarified; and D. Release the portion of the order signed by Judge Kristi F. Curtis that mandates the dismissal of the appeal due to bond conditions, as it contradicts South

Carolina Appellate Court Rule 225, which requires cases to be held in abeyance when unlawful conditions prevent an appeal from proceeding.

4. Release the Appellant from the bond requirement, ensuring that the appeal can continue unimpeded by conditions that violate established case law and appellate rules. F. Grant any other relief the Court deems just and proper.

February 25, 2025

**Respectfully submitted,**

**/s/ Randal K. Freeman  
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**PROOF OF SERVICE**

I certify that I have served the a copy of the MOTION FOR RELEASE OF BOND WITH CLARIFICATION AND HOLD IN ABEYANCE on David Bryan Trapp by depositing a copy of it in the United States Mail, postage prepaid, on February 25<sup>st</sup>, 2025, addressed to his attorney of record, J.Benjamin Cahill, Curtis & Croft, LLC 325 West Calhoun Street, Sumter SC 29150.

February 25<sup>th</sup> , 2025

/s/Randal K Freeman  
Randal K Freeman  
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