

The South Carolina Court of Appeals

UR Home Property Mgmt, Respondent,

v.

Rachael Pitts, Appellant.

Appellate Case No. 2025-000360

ORDER

On February 27, 2025, Appellant filed a notice of appeal from an order issued by the circuit court dismissing her appeal of a magistrate's order of eviction. Appellant also filed a motion to stay the circuit court's order and magistrate's writ of ejectment. After careful consideration, we grant a temporary stay and remand this case to the circuit court for an expedited hearing on Appellant's motion to stay and determination of any appeal bond. *See* Rule 241(d), SCACR (explaining an application for supersedeas must first be made to the lower court which entered the order on appeal); S.C. Code Ann. § 27-40-800(f)(1) (2007) ("Upon appeal . . . to the court of appeals, it is sufficient to stay execution of a judgment for ejectment 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.").

Appellant shall provide this court with a copy of the circuit court's written order regarding her motion for a stay within ten days of receiving notice of the ruling. Further, Appellant shall provide this court with status updates in writing every thirty days. Appellant's failure to provide this court with status updates every thirty days or to notify this court of the circuit court's ruling within ten days of receiving notice of the ruling will result in dismissal of this appeal.

On February 27, 2025, Appellant filed a motion to proceed *in forma pauperis*, stating she does not have funds to pay for her appeal. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellant has the burden

of showing her entitlement to this relief, but she has not done so. Therefore, Appellant's motion is denied. The filing fee must be paid within fifteen days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.



FOR THE COURT

Columbia, South Carolina

cc:

Rachael Pitts

UR Home Property Mgmt

Hon. Diane Schafer Goodstein

Cheryl Graham

Hon. Tera S. Richardson

FILED
Feb 27 2025
