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Jun 02 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

Case No. 2025-CP-290-0182

Terry Clark,
Appellant,
v.
Mahender Adonda,
Respondent.

Petition to Lift Stay

Respondent moves for an order lifting the stay granted by this Court on April 25, 2025, under Rule 241(c), SCACR, because Appellant failed to pay the rent required by the circuit court to stay this case.

On May 22, 2025, Judge Paul Burch filed an order staying this case if Appellant paid rent as stated in the order and required by S.C. Code Ann. § 27-40-800(f). The order required Appellant to pay Respondent \$5,000.00 of past due rent within five days of the order and to resume regular rent payments of \$2,500.00 on June 1, 2025. A copy of the order was filed with this petition and was served on Appellant b mail and email on May 23, 2025.

Appellant has not paid Respondent rent since March 2025 and did not pay Respondent any money after the Circuit Court issued the order.

Pursuant to S.C. Code Ann. § 27-40-00(e) & (f), Appellant filed a motion to dismiss the stay, which Judge Burch granted on June 2, 2025. Because Appellant failed to pay the rent required by the order, Respondent is entitled "to execution of the judgment for possession in accordance with the provisions of subsection (e)..." S.C. Code Ann. § 27-40-800(f)(2). Should Appellant believe she was wrongfully dispossessed, S.C. Code Ann. § 27-37-140 provides Respondent a remedy of filing an action for damages. Therefore, Respondent seeks an order from this Court dismissing the stay and authorizing the Magistrate Court to issue and enforce the writ of ejectment allowing Respondent to gain possession of the property.

Furthermore, Respondent requests the Court grant this petition *ex parte* because Appellant appeared at the hearing to determine the rent owed under S.C. Code Ann. § 27-40-800(f) and verbally agreed to pay the amount owed. Respondent's attorney served a copy of the order on Appellant, and Appellant did not pay the rent owed. S.C. Code Ann. § 27-40-800(e) & (f) requires the landlord to apply for an order dismissing the stay and enforcing the execution and enforcing the execution of the writ of ejectment and does not require the landlord to continue foregoing rent and incurring irreparable damage awaiting responses or decisions by Appellant who did not pay the rent required by the lease or the court's order.

For the above reasons, Appellant seeks an order from this Court dismissing its stay and authorizing the Magistrate Court to issue a writ of ejectment.

[Signature on following page]

Rock Hill, South Carolina
June 2, 2025

s/Emily N. Brown
SC Bar # 101131
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(803) 973-0490
Attorney for Respondent

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

Terry Clark,

Appellant,

vs.

Mahender Adonda,

Respondent.

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Case Number: 2025-CP-29-00182

**CERTIFICATE OF SERVICE
BY MAIL AND EMAIL**

I certify that a copy of the *Order* has been served upon the below-listed addressee(s) at her last known address by USPS mail and by email on the date shown below.

Terry Clark
3831 Fairlady Lane
Indian Land, SC 29707

By email to cs.luxeglam@gmail.com

Rock Hill, South Carolina
May 22, 2024

s/Emily N. Brown
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(803) 973-0490
emily@emilybrownlaw.com
Attorney for Respondent

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Proof of Service

I certify that I have served the Petition to Lift Stay, Order Dismissing Stay and Issuing Warrant of Ejectment, the Certificate of Service from May 23, 2025, on Appellant Terry Clark by depositing a copy of it in the United States Mail, postage prepaid, on June 2, 2025, addressed to Terry Clark, 3831 Fairlady Lane, Indian Land, SC 29707 and by email to cs.luxeglam@gmail.com.

Rock Hill, South Carolina
June 2, 2025

s/Emily N. Brown
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Attorney for Respondent