

STATE OF SOUTH CAROLINA

Case # 2023-CP-45-344

2024-CP-45-00436

Appellant # 2025-00183

001183

COUNTY OF WILLIAMSBURG

LaSheila Mitchum Green  
Appellant

MOTION TO STAY ORDER/  
JUDGMENT PENDING APPEAL

Genevieve Farmer, Jacqueline King, Ruth Richburg  
Respondent

SEP 17 2025

SC Court of Appeals

I, LaSheila Mitchum Green, filed this Motion to Stay of Judgment pending Appeal under Rule 60(b) (3)(6), Rule 8 and 241 (d) SCACR. Ms. Green did not file the Injunction to have herself remove from her home at 208 Madison Ave., Kingtree, SC. The Injunction was filed by Attorney William Joseph Virgil Barr, who since has filed a Motion to Dismiss Appeal. When the person who filed a case (Plaintiff/Ms. Farmer) request for it to be dismissed, it is called voluntary dismissal. The Plaintiff filed the notice of dismissal with prejudice, August 18, 2025, before the Defendant/Ms. Green has filed an answer or a Motion for Summary Judgement, August 29, 2025. The Plaintiff usually have the right to dismiss the case without a court order. (Rule 41 (a)(1)).

The Magistrate Lacked Subject Matter Jurisdiction and Authority for a case involving title. Such a Stay is necessary to:

- Preserve the Status Quo of the Appellant
- To Preserve contested issues in the appeal from becoming moot
- Preserve Appellant rights and protection from irreparable harm
- To ensure due process

## INTRODUCTION

In 2001, my four children and I moved into 208 Madison Ave. Kingstree, SC.. We rented the downstairs portion of the home. In 2002, I notified the Landlord that we had no heat or working toilet. Two weeks later they responded with a letter but did no repairs, maintenance, replacement or upkeep. In 2006, there was an awful smell in the house. Upon investigating upstairs, we had to get rid of old mattresses, clothes and other items along with cleaning mold/mildew. I had the roof repaired and began to openly use upstairs. This supports the hostile, notorious and ouster of my adverse possession. From 2004-2019, there was no communication with the Defendants. The rats chewed the electrical wires under the 1930, I had to have it rewired/repared. Interior painting was done every three-five years. We did the cleanup after the 100-year flood in 2015. They abandoned the property. Whatever needed to be done to the home for upkeep; house washing, window scraping and paint. I had a front patio installed to push back the water from settling under the house. I had a front area for the step replaced. Their lack of contact, maintenance, repairs, upkeep and replacement allowed me to live in continuous, actual, open, hostile and notorious possession.

The errors and misrepresentation that have not been corrected will drastically affect the outcome of this case and ensure an injustice to me, as the appellant. I am not a tenant. As A Matter of Law, I hold 208 Madison Ave. in adverse possession. (*Title 15 Chapter 67 Article 3 Section 15-67-260 "Whenever the relation of landlord and tenant shall have existed...ten years after the refusal to pay rent."*) The Respondents submitted to the Magistrate that they did not receive rent since 2002. (*Title 15 Chapter 67 Article 3 Section 15-67-240 "What constitute*

*adverse possession...not under written instrument or court order or decree. The premises is actual occupied and no other shall be deemed to have been held adversely.) (Section 15-67-250 "...enclosed...cultivated...").* The Statue of Limitation for adverse possession is ten years. I erected my fence and maintain the yard and the adjoining property.

### FACTUAL AND PROCEDUAL BACKGROUND

On may 29, 2025, this matter of a Notice and a Motion for an injunction filed by the Respondent's Council, William Joseph Virgil Barr, was before the Court of Common Pleas mandated by the Court of Appeals. At the beginning Judge Clifton Newman rescued himself from the Motion to Reconsider because he was not the original judge that heard the case and from the Injunction because the Town holds its own. At the ending he asked, not giving the opportunity for proper presentation of evidence, but ruled. During he hearing, I objected to a question the Respondent's Attorney asked. Judge Newman said, "You can't object...". at that time, I felt I could not object to anything that I did not agree with. (*Fifth, Sixth and Fourteenth Amendment*).

The Respondents, in this case, was the one's that filed the case against me. According to the Legal Dictionary, the Plaintiff is the one that files the lawsuit by filing a complaint against the Defendant. The Defendant is the one that the lawsuit is filed against. (*Globe and Rodgers Fire, Insurance Company v. the Director General of Railroads.*) (Exhibit A). This misrepresentation of them as the Defendant will lead to the misrepresentation in other matters, such as the Title 15 Chapter 67 Article 1, Section 15-67-20, "*Plaintiff in action for recovery for real property or*

*possession of real property is limited to one action for recovery.*” September, 22, 2023

Magistrate Judge Foxworth vacated his order to Vacate/Ejectment, which was the one action for the recovery of possession. (Exhibit B).

The Injunction was retaliatory action filed based upon the Defendant’s (Plaintiffs) receiving a letter from the Town of Kingstree Zoning, October 31, 2024, concerning health and safety, which required them to correct the issues. They did not and have not responded. Clearance for these immediate actions were corrected by me, the Appellant by December 2024. (Exhibit C). When the information was presented to the Court of Common Pleas, it was out of date. The Respondents had full knowledge that it was out of date and evidence was presented to the Judge, but not accepted.

The case was remanded by the Court of appeals for a stay of the Order for injunctive Relief and consideration/determination of a bond. The Order from the Court of appeals granted temporary stay and states, (*“See Rule 241 (d) SCARC (explaining an application for a Supersedeas must first be made to the lower court which entered the order on appeal.”*)). When the case was remanded and Judge Newman had jurisdiction, I submitted a Motion to Reconsider the Injunction/Ejectment and a Supersedeas/Stay of the ejectment/injunction. August 4, 2025, I filed a Motion to Alter or Amend under Rule 60(b) and Rule 3.3 for false and misleading statements on the Order Granting Injunctive Relief. Not ruled.

August 6, 2025, the hearing was held for the Bond. I explained that I am not a tenant, the Magistrate Lacked Subject Matter Jurisdiction to hear an adverse possession and the Rent Bond

was a conspiracy to misrepresent me as a tenant. I also explained that the \$700 Rent Bond created a financial hardship for me to come up with that amount along with doing everything that I have to do with the home. Because it was remanded for consideration/determination of a bond, I even questioned the fact of is a bond necessary? In the Ruling, Judge Newman stated, “The Motion to Reconsider, denied. The Motion for Supersedeas/Stay, denied. The Motion for a fee waiver, the Court of appeals denied, I will deny. She will have to pay \$700 per month...and if she doesn’t pay, the Appeal will be dismissed, according to the order.” The denied Motions, from the lower courts allowed me to file for a Supersedeas in the Court of Appeals and ask for a review of the Order. *(S.C. Rule Ann 27-40-800 (f) (1) (2007) (“Upon appeal...to the court of appeal, its sufficient to stay execution of judgement for ejection that the tenant sign and undertaking that he will pay the landlord the amount of rent determined by the order of the judge of the circuit court, as it becomes due, periodically after the judgment was entered.”)*.

Does the Fourteenth Amendment apply the protection of the Bill of Rights to local and state government through a process known as incorporation. This includes applying the Eighth Amendment’s prohibition of “excessive bail” to the state? *(Stack v. Boyle (1951)*. The record does not reflect a posted bond by the Plaintiffs (listed as Defendant) to obtain an Injunction. The Court of Common Pleas set the Bond after notification of being excessive with the intention of the Appeal being dismissed, according to Judge Clifton Newman statement, “If she doesn’t pay, the Appeal will be dismissed.”

CONCLUSION

I have lived at 208 Madison Avenue, from 2001-2025. That is the actual and continuous part of my claim to adverse possession. The Respondents submitted, I refused to pay rent in 2002, starting the ten-year Limitation for adverse possession. Their letter requesting me to tear down the fence and stating, "...you did not request permission to make changes..." supports the hostile/ouster, notorious, and open aspect along with other parts of their testimony.

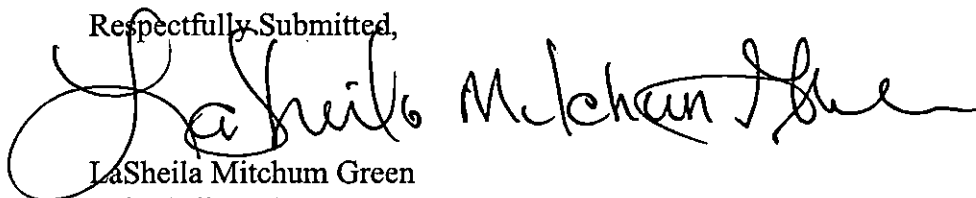
I am not a flight risk, I have Sub-teach at the local schools, I attend church locally, I have hosted parenting classes in the public housing sector of Kingstree and organize educational enrichment activities for students.

Title 22 Chapter 3 Article 11 Section 22-3-1130 & 1170 "*Actions discontinued upon the delivery of Undertaken the Magistrate the action before him shall be discontinued. Section 22-3-1110 when the title of the property shall come into question in an action brought in a court of the Magistrate the Defendant may forth his Answer showing that the title shall come into question.*"

The authority of the Magistrate is also subject to the discontinuing of this case, which should dismiss the Order of Ejectment with prejudice, As A Matter of Law.

Thank you for ensuring that the Law is in front of Justice.

Respectfully Submitted,

A handwritten signature in black ink that reads "LaSheila Mitchum Green". The signature is written in a cursive, flowing style.

LaSheila Mitchum Green  
208 Madison Ave  
Kingstree, SC 29556

**RECEIVED**  
SEP 17 2025  
SC Court of Appeals

EXHIBIT A

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	CASE # 2023-CP-45-344
COUNTY OF WILLIAMSBURG	)	2023-CV-45-10100528
	)	
LaSheila Mitchum Green	)	
	)	
	)	Plaintiff
	)	
VS.	)	
	)	
Genevieve Farmer, Jacqueline King, Ruth	)	
Richburg	)	
	)	Defendants
	)	

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**NOTICE OF MOTION AND MOTION FOR EX PARTE POSSESSION OF REAL  
PROPERTY, TEMPORARY INJUNCTION, OR, IN THE ALTERNATIVE,  
EMERGENCY HEARING**

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PLEASE TAKE NOTICE THAT THE above-named Defendants, by and through their undersigned attorney, would respectfully allege and show unto this Honorable Court as follows:

Emergency Ex Parte Order granting the Defendants possession and control of the property located at 208 Madison Avenue, Kingstree, South Carolina, or in the alternate a Temporary Injunction against the Plaintiff from coming about, bothering or accessing the property or in the alternate an emergency hearing to address the issues as described herein below. This Motion is based on the deteriorating condition of the home as well as the Town of Kingstree condemned the property as unfit for human habitation. The Defendants received notice from the Town of Kingstree (Exhibit 1): "A preliminary investigation of your property located at 208 Madison Ave and represented by the Williamsburg County Tax Reference Number 11-038-085 noted the building structure to be vacant and potentially unfit for human habitation due to deterioration and vandalism from a previous tenant".

**FACTUAL AND PROCEDURAL BACKGROUND**

Defendants hold legal title to the real property, which is the subject of this action in Williamsburg County. Plaintiff previously was a renter of said property located at 208 Madison Avenue, Kingstree, South Carolina 29556; failed and /or refused to pay rent pursuant to the rental agreement of the Parties, resulting in a Writ of Ejectment being filed by the Defendants.

*Received Man 5<sup>th</sup> at Bank Office*

**EXHIBIT B**

COPY

FILED 23 CV 451000528

STATE OF SOUTH CAROLINA

COUNTY OF

2023 DEC 13 AM 10:05

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

Genevieve Farmer  
Jacqueline King  
Ruth Richburg

SEARCHED INDEXED  
SERIALIZED FILED  
CLERK OF COURT  
KINGSTREE, S.C.

2113 byndurst Dr.  
Raleigh, NC 27610

LaSheila Green

208 Madison Ave  
Kingstree SC 29556

DELOACH, WILLIAMS  
2023 SEP 11 PM 4:15  
ANSWER

On Sep 1, 2023 was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the \_\_\_\_\_ Magistrate Court, is as follows:

CHECK ONE:

A.  I contest the jurisdiction of the court based on the following: (use additional pages if necessary)  
I feel that I have Adversely Possess this property.

B.  I admit everything in the complaint and do not want a trial.

C.  I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because:  
(use additional pages if necessary) \_\_\_\_\_

D.  I deny that I am responsible at all because: (use additional pages if necessary) \_\_\_\_\_

You must file this document with the Court within thirty days.

THE DEFENDANT STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

September 11, 2023  
Signature of Defendant (or his attorney)

KEEP A COPY OF THIS ANSWER AND BRING IT TO COURT

2025 AUG -4 PM 2:38

FILED  
2025MAY21 PM0429  
DETRA M. JOHNSON  
CLERK OF COURT  
KINGSTREE, SC

SC Case 03 (Amended 08/2009)

(9)

**COPY**

STATE OF SOUTH CAROLINA  
COUNTY OF Williamsburg  
Genevieve Farmer  
Jacqueline King  
Ruth Richburg  
Plaintiff(s)

2023 CV 4510100528  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

vs.

LaSheila Green  
Defendant(s)

UNDERTAKING PURSUANT TO  
S.C. CODE § 22-3-1120

I, the Defendant in the above-captioned proceeding, hereby make this undertaking, executed by myself and by the surety signing below, that if Plaintiff in the above-captioned proceeding shall, within twenty (20) days after the delivery of the undertaking to the Magistrate, deposit with the Magistrate a summons and complaint in an action in the Circuit Court for the same cause as that brought by the Plaintiff herein, I will within twenty (20) days after such deposit give an admission in writing to the service of such summons and complaint.

Signature of Defendant:

LaSheila Green

Print Name:

LaSheila Green

**SURETY**

Agreeing to be surety for the Defendant with regard to the above undertaking, I promise and agree to be liable for an amount not exceeding One Hundred and no/100 Dollars (\$100.00) in the event the Defendant fails to comply with the undertaking.

Signature of Surety:

Cammie Washington

Print Name:

Cammie Washington

Address of Surety:

627 Puck RD Santee  
SC 29585

2023 OCT 31 PM 2:54  
S.C. JUDICIAL SYSTEM  
CLERK OF COURT  
WILLIAMSBURG, SC 29169

2023 SEP 11 PM 4:15  
WILLIAMS

FILED

STATE OF SOUTH CAROLINA

2023-CP-45-00344

2023 SEP 15 AM 11:24

COUNTY OF WILLIAMSBURG

CIVIL CASE NUMBER

SHARON W. STAGGERS  
CLERK OF COURT  
KINGSTREE, S.C.

Geneieve Farmer  
2113 Lyndhurst Drive  
Raleigh, NC 27810

Jacqueline King  
2113 Lyndhurst Drive  
Raleigh, NC 27810

Ruth Richburg  
2113 Lyndhurst Drive  
Raleigh, NC 27810

PLAINTIFF

Vs

LaSheila Mitchum Green  
208 Madison Ave.  
Kingstree, SC 29556

DEFENDANT

FILED  
2023 SEP 13 AM 10:05  
SHARON W. STAGGERS  
CLERK OF COURT  
KINGSTREE, S.C.

Request for Appeal

Because the Judge lack Jurisdiction, I raised in my defense, of the law stated on the Undertaken. The judge should not have heard the case.

*This case was heard by Judge Foxworth on Sept 13, 2023.*

*LaSheila Green*  
Signature

*Sept. 15, 2023*  
Date

2023-CP-45-00344

State of South Carolina )  
County of Williamsburg )

Magistrate Order

Genevieve Farmer )  
Jacqueline King )  
Ruth Richburg )  
Plaintiffs )  
Vs. )  
Lasheila M. Green )  
Defendant )

2023CV4510100528

FILED  
2025MAY12 PM0445  
DETRA M. JOHNSON  
CLERK OF COURT  
KINGSTREE, SC

FILED  
2025MAY21 PM0430  
DETRA M. JOHNSON  
CLERK OF COURT  
KINGSTREE, SC

It is ordered that the disposition of the above captioned case be vacated. This case is under appeal to the Court of Common Pleas, therefore the Magistrate had no jurisdiction to hear this case, on September 22, 2023. The Court takes this action under Rule 59 SCRPC and Rule 19 SCRMC.



Williamsburg County Magistrate

September 22, 2023

SEARCH & SEIZURE  
CLERK OF COURT  
KINGSTREE, S.C.  
NOV 23 AM 4:19

FILED

(1)

(5)

EXHIBIT C

Genevieve M. Farmer  
2113 Lyndhurst Drive  
Raleigh, NC 27610

October 29, 2019

Ms. LaSheila M. Green  
208 Madison Avenue  
Kingstree, SC 29556

Dear Ms. Green:

My sister and I were disappointed that we were not able to have you present with us when we went to Kingstree on Friday, October 11, 2019. I have not tried to call you since we talked by phone on October 11<sup>th</sup> to see that you have unblocked my phone number, but it is of utmost importance that I can call you when needed.

As my letter of October 8, 2019 stated, in order for our current insurance company to continue to serve us, we are required to maintain our property at 208 Madison Avenue as specified by them. We were pleased that you had removed the branches from the yard and raked.

**Listed below are things we are requesting and requiring of you.**

**REMOVE FROM THE PROPERTY THE FOLLOWING:**

1. The refrigerator and other trash from the back patio.
2. The trash from the side porch (screened porch).
3. The wood "fences" that surround the property, especially on the right side that face the house.
4. The trash and other things on the back yard, including beyond the divider you have placed in front of the building that is really a garage.
5. The trash from inside and outside of the building (garage) which is behind the house.
6. The boards from the windows on the back of the house.
7. The wreath on the house – front wall.
8. The trash from the yard next to the house (left side facing the house).

There is trash on the side of the house that faces the road. If you placed the trash there, it should be moved.

**THE DEADLINE FOR YOU TO DO THE ABOVE LISTED THINGS IS WEDNESDAY, NOVEMBER 13, 2019.**

The air conditioner appears to not be in use. Is it working? This brings to our mind to ask about the furnace, too. Is the furnace working? **YOU CANNOT USE SPACE HEATERS IN THE HOUSE.**

We were really SURPRISED to see the grass from the back yard removed and replaced with bricks and rock. You did not request making that change to the yard.

We are having several things done for upkeep and maintenance of the house: reroofing, rescreening the side porch, removing the patio top, cutting branches off certain trees, cutting down certain trees, power washing the house, etc. We will notify you when the work is to begin.

Yours truly,  
Genevieve M. Farmer *gfarmer*

COPY

(8)

12-16-2024



Dexter M. Johnson

Dear Homeowner/Tenant,

I was requested by Ms. Green to visit your property on December 16, 2024, to assess the corrective actions taken regarding the violations cited on November 19, 2024.

As of December 16, 2024, you have successfully addressed the following:

1. **Town of Kingstree Ordinance - Unfit, Unsafe, and Dilapidated Structure:** The property now has access to water, resolving this issue.
2. **The Town of Kingstree Ordinance 92 - Health and Sanitation:** All items have been removed from the front and side yards, ensuring compliance.
3. **2021 IPMC Structure unfit for human occupancy 111.1.3 Structure unfit for Human occupancy**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Thank you for your cooperation in resolving these matters.

Sincerely,

Robbie Epps  
Code Enforcement Officer  
Town of Kingstree  
401 N Longstreet St  
Kingstree, SC 29556  
843.355.8152 Office  
843.356.9110 Cell

24 DEC 18 P2:16

WILLIAMS ENGINE COMPANY

FILED  
2025MAY21 PM0426  
DETRA M. JOHNSON  
CLERK OF COURT  
KINGSTREE, SC



### Town of Kingstree

VIOLATION ADDRESS: 208 Madison Ave  
TAX MAP NUMBER: 11-038-085  
OWNER OF RECORD: FARMER GENEVIEVE M ETAL  
208 MADISON AVENUE KINGSTREE SOUTH CAROLINA 29556

Case Number: DE 2024-038-0085

USPS Article Number: 9589 0710 5270 1986 8069 73

Dear Mrs. GENEVIEVE M FARMER

The Town of Kingstree is obligated to protect, maintain health and safety, and to provide a general welfare for the citizens within the municipality. The Town of Kingstree Code of Ordinances S 150.10 Unfit, Unsafe, and Dilapidated Structure: The Town finds that you have a structure that exists which are unfit for human habitation, accumulation of junk. The Town deems it is necessary to exercise its Police Powers to have repaired, close, or demolish any building(s) in the manner herein, pursuant to the provisions of the State Code. Title 9 General Regulations, Chapter 92 Health and Sanitation, S 92.14 Notice to Owner(s) to Remedy or Remove Condition and S 92.15 Correction or Removal of Conditions by Town states that:

- (A) whenever it appears that any property owner is in violation of this code, as evaluated upon preliminary investigation by the Code Enforcement Officer, the owner of such premises shall be notified to correct the condition,
- (B) If corrective action has not been completed within ten (10) days after notification, the owner of the premises shall be fined. Any person refusing or neglecting to comply after having been directed to do so shall be guilty of a misdemeanor.
- (C) In the event the owner of any lot or premises, upon which a condition described in this subchapter exists, should fail to remedy the condition within ten (10) days after notice is given to do so, the Town of Kingstree may do such work or make such improvements as are necessary to correct, remedy, remove such conditions or cause the same to be done, pay therefore and charge the expenses incurred thereby to the owner of record, tenant or other persons responsible of said lot. The doing of such work shall not relieve the lot or such person(s) from prosecution or failure to comply with such notice. Such expenses shall be assessed and or added to the annual tax levied on the property and shall be collected in the same manner as the annual property taxes.

Should you need any assistance from this department, please do not hesitate to contact me. I thank you for your cooperation in this matter.

Respectfully, I am;

Community Planning and Development Director  
401 N. Longstreet Street • Kingstree, South Carolina 29556 • (843) 355-7484

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Williamsburg COUNTY  
Court of Common Pleas

RECEIVED

Clifton Newman, Circuit Court Judge SEP 17 2025

SC Court of Appeals

Case No. 2023 CP 45 344  
2024 CP 45 0043  
2025 - 001183

Lashela Mitchum Green

Appellant/Respondent,

v.

Genevieve Farmer, Jacquelin King  
Ruth Richburg

Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to  
STAY ORDER on 9/17/2025 by depositing  
(Document) (Name)

a copy of it in the United States Mail, postage prepaid, on 9/17/2025, addressed to,  
(Date)

108 N. Academy Street, Kingstree SC 29556

201 W. Main St. Kingstree, SC 29556 - Circuit Court

Date: September 17, 2025

s/ Lashela Mitchum Green  
Address: 208 Madison Av.  
Kingstree, SC 29556