

# The South Carolina Court of Appeals

Willis Jowan Mitchell, Appellant,

v.

Pine Cove MHP, LLC., and Craig Warren Sturgill,  
Respondents.

Appellate Case No. 2025-001891

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## ORDER

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On September 16, 2025, Appellant filed a notice of appeal from a circuit court order (1) dismissing his complaint for failure to prosecute, (2) dismissing a party, (3) granting Respondents' breach of contract action in the amount of \$15,570.14, and (4) ejecting Appellant from the mobile home park. That same day, Appellant also filed a motion to stay and a motion to expedite. No returns were filed.

After careful consideration, Appellant's motion to stay the eviction and money judgment is temporarily granted. We remand this case to the circuit court for an expedited hearing on Appellant's motion to stay and determination of any appeal bonds for the eviction and money judgment. This remand to the circuit court will not put the appeal in abeyance. *See* S.C. Code Ann. § 27-47-110 (2007) ("The provisions of the Residential Landlord and Tenant Act in Chapter 40 of Title 27 shall apply to tenancies in manufactured home parks if such application is not inconsistent with or contrary to the provisions of th[e South Carolina Manufactured Home Park Tenancy Act]."); S.C. Code Ann. § 27-40-800(f)(1) (2007) ("Upon appeal to the [s]upreme [c]ourt or 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. The judge of the court having jurisdiction shall order stay of execution upon the undertaking."); S.C. Code Ann. § 18-9-130(A)(1) (2014) ("A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained

grants a stay of execution." ). Appellant shall provide this court with status updates every thirty days. Further, Appellant shall provide this court with a copy of the circuit court's order ruling on the motion to stay and request for appeal bonds within ten days of receiving notice of the order. Appellant's failure to provide this court with status updates every thirty days or to provide this court with the circuit court's ruling within ten days of receiving notice of the order will result in dismissal of this appeal.

Further, after careful consideration, we grant in part and deny in part Appellant's motion to expedite. A motion to expedite is generally premature if made before the record on appeal and final briefs are filed. *See Maner v. Maner*, 278 S.C. 377, 380, 296 S.E.2d 533, 535 (1982) (explaining that motions to expedite were premature in cases where the briefs remained outstanding). Because the parties have not served and filed the record on appeal and final briefs, Appellant's motion to expedite is denied without prejudice. However, we grant Appellant's request to set an expedited briefing schedule.

Within five days of the date of this order, Appellant shall (1) make satisfactory arrangements, including for payment, in writing with the court reporter for furnishing the transcript and (2) provide all parties, the Office of Court Administration, and this court with copies of all correspondence with the court reporter. *See* Rule 207(a)(1), SCACR. Failure to comply with ordering the transcript will result in the dismissal of the appeal. Appellant shall serve and file his initial brief and designation of matter within twenty-one days of receiving the transcript. Respondents shall serve and file their initial briefs and designations of matter within twenty-one days of service of Appellant's initial brief and designation of matter. Appellant shall serve and file any initial reply brief within seven days of service of Respondents' initial briefs and designations of matter. Thereafter, Appellant shall serve and file the record on appeal within fifteen days, and the parties shall serve and file their final briefs within fifteen days of service of the record on appeal. If no reply brief is filed, Appellant shall serve and file the record on appeal within fifteen days of service of Respondents' initial briefs and designations of matter, and the parties shall serve and file their final briefs within fifteen days of service of the record on appeal. Furthermore, there shall be a presumption against granting extensions in this case.

  
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FOR THE COURT J.

**FILED**  
**Oct 01 2025**

Columbia, South Carolina

cc:

Willis Jowan Mitchell

John C. Zilinsky, Esquire

The Honorable Benjamin H. Culbertson

The Honorable Renee Elvis