

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Oct 09 2025

Appellate Case No. 2025-001183

SC Court of Appeals

LaSheila Green, Appellant,

v.

Genevieve Farmer, Jacqueline King, and Ruth Richburg, Respondents.

**RESPONDENTS RETURN AND MEMORANDUM IN OPPOSITION TO
APPELLANT "MOTION TO STAY OF JUDGMENT PENDING APPEAL; RULE 60(b)
MOTION; AND RULES 8 & 241(d) APPLICATION"**

PRELIMINARY STATEMENT

This Court remanded for one thing only; set supersedeas. The circuit court complied and set \$700/month to preserve the status quo. Green has paid nothing. Meanwhile, 208 Madison Ave., Kingstree is condemned/uninhabitable by the City of Kingstree. Appellant's new filing ignores the mandate, tries to relitigate merits, misuses Rule 60(b), and seeks to control a condemned property without security. The petition should be denied, and any interim stay (if issued) should be lifted, with direction that the lower court dissolve supersedeas for nonpayment and proceed

I. PROCEDURAL POSTURE & DISPOSITIVE SUMMARY

1. The appellate remand authorized the lower court to determine supersedeas conditions; it did so, setting \$700/month after hearing both sides. Supersedeas is discretionary and may be conditioned on a bond or undertaking.
2. Green has not made any bond payments. Nonpayment defeats supersedeas and warrants immediate dissolution of any stay.

3. The structure is condemned/uninhabitable under municipal authority, heightening risk of waste and public safety concerns; unsecured possession is untenable.
4. Green's arguments (adverse possession; "not a tenant"; magistrate jurisdiction; bias) are outside the limited remand and irrelevant to appellate supersedeas.
5. To the extent Green relies on Rule 41(a)(1) "voluntary dismissal" in some other case, that is irrelevant; if it applied here, the stay request would be moot, not stronger.

II. RULE 241 GOVERNS; INJUNCTIONS & EJECTMENTS ARE EXCEPTIONS TO ANY AUTOMATIC STAY, AND SECURITY MAY BE REQUIRED

- **Rule 241(a)-(b).** Automatic stays do not apply to listed exceptions, including injunction orders and ejectment orders. Where specific conditions are required, they must be strictly complied with.
- **Rule 241(c)(1)-(3).** Supersedeas is discretionary and may be conditioned on a bond or undertaking; courts may also order other affirmative relief to protect parties while the appeal is pending.
- **Bottom line:** The lower court's \$700/month condition was textbook Rule 241. Green's nonpayment warrants lifting/denying supersedeas.

III. APPELLATE PROCEDURE DEFECTS: VERIFICATION & CERTIFIED COPIES

- Under Rule 241(d)(3)-(5), a party seeking supersedeas in the appellate court must file a verified petition and contemporaneously file a certified copy of the order on appeal and the notice of appeal (with proof of service). Noncompliance is an independent basis to deny the petition.

IV. RULE 60(b): LEAVE REQUIRED; NO 60(b)(6) IN SOUTH CAROLINA

- No 60(b)(6). South Carolina deleted Federal Rule 60(b)(6); our grounds end at (5), and they are narrower than Appellant suggests.
- Leave during appeal. While an appeal is pending (from service of notice until remittitur), leave of the appellate court is required to make a Rule 60(b) motion below. Green shows no leave; her 60(b) gambit is procedurally barred.

V. GREEN CANNOT SHOW THE STAY FACTORS

Even if this Court considered stay factors under Rule 241(c)(2) (preserve jurisdiction / prevent mootness), Green fails:

- Likelihood of success. Her adverse possession/bias/tenancy narratives are merits arguments, already rejected on remand; they don't justify supersedeas and are beyond the mandate.
- Irreparable harm. Paying court-ordered security is not irreparable harm; it's the standard safeguard pending appeal.
- Injury to others/public interest. Nonpayment and a condemned structure tilt the equities decisively toward Respondents and public safety. Rule 241 expressly allows bond and affirmative protections to prevent waste and

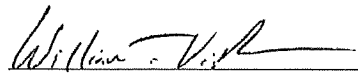
VI. "TENANT APPEAL BOND" STATUTES DO NOT APPLY

Appellant can't disavow tenancy yet rely on tenant-appeal provisions . This is an equitable injunction in the Court of Common Pleas, governed by Rule 241, not a magistrate-ejectment appeal. Rule 241(b)(10) separately lists exceptions and still requires strict compliance which did not happen here.

RELIEF REQUESTED

Respondents respectfully ask the Court to:

1. DENY Appellant's petition for supersedeas/stay and her Rule 60(b) request;
2. LIFT any interim stay previously entered by a single judge under Rule 241(d)(2);
and
3. DIRECT the lower court to:
4. DISSOLVE supersedeas for nonpayment of the \$700/month condition, effective immediately. Enter protective provisions keyed to the condemnation (no occupancy; no waste/alterations; reasonable access on 72-hours' notice for safety/security); and
5. CERTIFY Appellant's noncompliance to this Court for any further relief (including dismissal of the appeal for failure to comply with the bond terms).



William Joseph Virgil Barr, Esq.
Attorney for Respondents
108 North Academy Street
Kingstree, South Carolina 29556
843-355-5444 Telephone
wvbarr@wvbarrlaw.com

PROOF OF SERVICE OF A NOTICE OF
APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

Clifton L. Newman Circuit Court Judge

THIRD JUDICIAL CIRCUIT

Case No. 2025-001183
LaSheila Green, Appellant

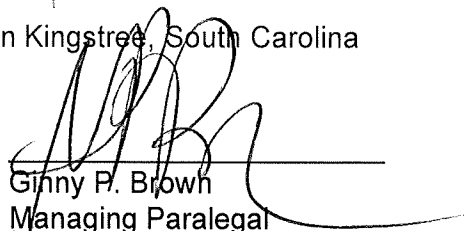
vs.

Genevieve Farmer, Jacqueline King, and Ruth
Richburg, Respondents

PROOF OF SERVICE

I Ginny Brown an employee of the WV Barr Law, LLC certify that I have served the Appellant, a copy of the RESPONDENTS RETURN AND MEMORANDUM IN OPPOSITION TO APPELLANT "MOTION TO STAY OF JUDGMENT PENDING APPEAL; RULE 60(b) MOTION; AND RULES 8 & 241(d) APPLICATION" by depositing a copy of it in the United States Mail, postage prepaid, on October 9, 2025, addressed to LaSheila Green 208 Madison Avenue, Kingstree, South Carolina 29556.

Respectfully submitted this 9th day of October, 2025, in Kingstree, South Carolina


Ginny P. Brown
Managing Paralegal
William Joseph Virgil Barr,
Esq. Attorney for
Respondents
108 North Academy Street
Kingstree, South Carolina
29556 843-355-5444
Telephone . . .