

# The South Carolina Court of Appeals

Allison Coaxum and Jaylen Coaxum, Defendants,

v.

SMC Wescott LLC d/b/a Covey Homes Wescott,  
Respondent,

of whom Allison Coaxum is the Appellant.

Appellate Case No. 2025-001613

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## ORDER

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Appellant filed a notice of appeal from a circuit court order affirming a magistrate's order of eviction. Appellant also filed a motion to stay the circuit court's order. 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.

Finally, Appellant moves to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *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 ten days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.

This appeal will not be held in abeyance pending the circuit court's consideration of the motion to stay.



J.

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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Nov 04 2025**

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cc:

Allison Coaxum

Sean Michael Tropea, Esquire