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Dec 05 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

PRANCETON WILLIAMS,

APPELLANT,

v.

APPELLATE CASE NO. 2025-002279

WILLIAM "BILL" RHODES, and
ELIZABETH HOLCOMB,

RESPONDENTS

**MOTION FOR PERMISSION
TO FILE EMERGENCY MOTION
TO STAY OUT OF TIME**

TO: THE HONORABLE COURT OF APPEALS

Appellant Pranceton Williams, through undersigned counsel pro se, respectfully moves this Honorable Court for permission to file an Emergency Motion to Stay Execution of Judgment out of time pursuant to Rule 225, SCACR.

BACKGROUND

1. On October 13, 2025, the Greenville County Circuit Court entered an Order Granting Summary Judgment in favor of Respondents, which included provisions ordering Appellant's eviction from the property at 20 Alice Farr Drive, Greenville, SC 29617, with enforcement by the Sheriff if Appellant did not vacate within thirty days.
2. On November 14, 2025, Appellant timely filed a Notice of Appeal with this Court, which assigned Appellate Case No. 2025-002279.
3. Rule 225(d), SCACR provides that "a motion for stay in the trial court may be filed within ten (10) days after filing the notice of appeal." The ten-day deadline to file a motion to stay with the Circuit Court expired on November 24, 2025.
4. Appellant, proceeding pro se, was not fully aware of the strict ten-day deadline and did not file a motion to stay with the Circuit Court within the prescribed timeframe.

5. Upon becoming aware of the procedural requirements and the urgent nature of the situation, Appellant immediately prepared this Motion seeking permission to file an Emergency Motion to Stay out of time.

6. Rule 225(e), SCACR provides: "If the lower court denies a motion for a stay or fails to act upon a timely motion, a stay or injunction may be sought by motion in the appellate court."

GOOD CAUSE FOR UNTIMELY FILING

7. Good cause exists for permitting Appellant to file an Emergency Motion to Stay out of time because:

a. Appellant is proceeding pro se and was not fully cognizant of the strict ten-day timeline for filing a motion to stay in the Circuit Court;

b. The delay has been minimal and Appellant has acted promptly upon becoming aware of the procedural requirements;

c. No party will be prejudiced by allowing the motion to be filed, as the substantive merits of the stay request would be the same regardless of timing;

d. The interests of justice strongly favor allowing appellate review before executing an eviction order that exceeds the Circuit Court's jurisdiction;

e. Denying this request would result in irreparable harm to Appellant through loss of possession while the appeal is pending;

f. The Circuit Court's Order contains a clear jurisdictional defect that provides a substantial basis for reversal, warranting preservation of the status quo pending appeal; and

g. South Carolina appellate courts have consistently favored deciding cases on their merits rather than through strict application of procedural rules where substantial justice can be served.

GROUNDS FOR EMERGENCY STAY

I. THE CIRCUIT COURT EXCEEDED ITS JURISDICTION

8. The Circuit Court's Order granting eviction relief in a standard civil action exceeds the court's subject matter jurisdiction. South Carolina law provides specific statutory procedures for eviction actions under S.C. Code Ann. § 27-40-710 et seq., which requires that eviction actions be brought "in the magistrate's or municipal court having jurisdiction."

9. The statutory eviction process mandates specific procedural safeguards including proper notice, magistrate or municipal court proceedings, and specific response periods. The Circuit Court cannot circumvent these statutory protections by ordering eviction as part of summary judgment relief in a civil action.

10. This case was filed in Circuit Court as a civil action seeking declaratory relief and damages. The Complaint did not seek eviction as a remedy, and Respondents' Counterclaim did not follow the statutory eviction procedures mandated by Chapter 40 of Title 27.

11. This jurisdictional defect is a substantial basis for reversal on appeal and weighs heavily in favor of granting a stay pending appellate review.

II. APPELLANT WILL SUFFER IMMEDIATE AND IRREPARABLE HARM

12. If the eviction is executed, Appellant will suffer immediate and irreparable harm through loss of possession of the property where he has resided for over eleven years. This harm cannot be remedied by monetary damages.

13. Forced eviction would render the possessory aspects of this appeal moot, as Appellant could not be restored to possession even if successful on the merits.

14. The thirty-day deadline for vacating the property has expired or is about to expire, creating an urgent emergency situation requiring immediate intervention by this Court.

III. SUBSTANTIAL LIKELIHOOD OF SUCCESS ON APPEAL

15. Appellant has raised substantial issues on appeal, including the jurisdictional defect regarding the eviction order, errors in application of res judicata, and whether summary judgment was appropriate given disputed material facts.

16. The Circuit Court's Order improperly conflates a civil judgment for damages with the distinct statutory remedy of eviction. While the Court had jurisdiction to determine contractual rights and award monetary damages, it exceeded its authority by ordering eviction without compliance with statutory eviction procedures.

17. The jurisdictional defect alone provides a strong likelihood that the eviction portion of the Order will be reversed on appeal.

IV. BALANCE OF EQUITIES FAVORS A STAY

18. The balance of equities strongly favors maintaining the status quo pending appeal. Appellant seeks only to preserve possession during the appellate process.

19. Respondents' interests are adequately protected by the monetary judgment of \$100,301.00, which remains enforceable regardless of any stay on the eviction provision.

20. Any delay to Respondents in recovering possession is far outweighed by the irreparable harm to Appellant of being wrongfully evicted based on a jurisdictionally defective order.

21. Public policy favors allowing appellate review of significant legal issues before executing judgments that may be reversed, particularly where the judgment involves deprivation of possession of a residence.

CONCLUSION

The circumstances present an emergency requiring this Court's immediate intervention. The jurisdictional defect in the eviction order, combined with the irreparable harm Appellant faces and the good cause for the delayed filing, justifies granting permission to file an Emergency Motion to Stay out of time.

PRAYER FOR RELIEF

WHEREFORE, Appellant Pranceton Williams respectfully requests that this Honorable Court:

A. Grant permission to file the attached Emergency Motion to Stay Execution of Judgment out of time;

B. Grant an emergency stay of execution of the eviction and Writ of Ejectment provisions contained in the October 13, 2025 Order Granting Summary Judgment, pending final resolution of the appeal;

C. Order that Appellant shall maintain possession of the property located at 20 Alice Farr Drive, Greenville, SC 29617 during the pendency of the appeal;

D. Alternatively, if the Court determines that any condition should be imposed as a prerequisite to the stay, schedule a hearing to determine appropriate conditions;

E. Order that the monetary judgment provisions of the October 13, 2025 Order remain enforceable and may be satisfied through traditional collection methods; and

F. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/Pranceton Williams
Pranceton Williams, Pro Se
20 Alice Farr Drive
Greenville, SC 29617
864-787-2295

DATED: December 5, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2025, I served a copy of the foregoing Motion for Permission to File Emergency Motion to Stay Out of Time upon:

Gregory Alan Morton, Esquire
4 Arborland Way
Greenville, SC 29615

By depositing same in the United States Mail, first class postage prepaid, in an envelope addressed to the person listed above.

s/Princeton Williams
Princeton Williams, Pro Se