

IN THE COURT OF COMMON PLEAS
FOR SALUDA COUNTY, SOUTH CAROLINA

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JAN 09 2026

SC Court of Appeals

HUGH PRICE, pro se

Appellant,

v.

Case No. 2025CP4100100
EMERGENCY MOTION FOR STAY
PENDING APPEAL AND
TEMPORARY RESTRAINING ORDER

LISA MOLSTAD,

Respondent.

**EMERGENCY MOTION FOR STAY PENDING
APPEAL AND TEMPORARY RESTRAINING ORDER**

Appellant Hugh Price, appearing pro se, respectfully moves this Honorable Court, pursuant to Rule 208(b), SCACR, Rule 225(a), SCACR, and Rule 65, SCRCP, for entry of an immediate Temporary Restraining Order and Stay of Execution of the Order Denying Appeal, pending the resolution of their appeal to the South Carolina Court of Appeals. In support of this Emergency Motion, Appellant states as follows:

INTRODUCTION AND NATURE OF EMERGENCY

1. This is an emergency application necessitated by ongoing, irreparable harm occurring at this moment. Respondent Lisa Molstad and her agent, Brian Pippin, are actively removing Appellant's personal property from the disputed leased premises at 2465 Lot D, Pine Grove Road, Ward, South Carolina 29166, while Appellant's timely appeal is pending before the Court of Appeals.
2. Appellant filed his Notice of Appeal on December 22, 2025, within the ten-day deadline from the December 12, 2025, filing of the appealed Order. The removal of property began during the appeal period on December 20-22, 2025, and has continued through this date.

3. This Court retains jurisdiction pursuant to Rule 225(a), SCACR, to issue orders "necessary to preserve the status quo pending appeal," even though the filing of the Notice of Appeal divests this Court of general jurisdiction. The immediate issuance of a Temporary Restraining Order is essential to prevent the complete dissipation of Appellant's property and to preserve the effectiveness of his appeal.

STATEMENT OF FACTS

Procedural Posture

4. On December 12, 2025, this Court entered an Order Denying Appeal in favor of Respondent, dismissing Appellant's claims for Unconstitutional Process of the court, perjury of respondent, errors in law, by the court, abuse of discretion, non-proper service, denial of a jury trial, denial of a bond request by Appellant, denial of witness testimony, all of which occurred during the hearing *Molstad v Price* 2025CV4110100069 and was granted appeal number 2025CP4100100.
5. The Order was filed with the Clerk of Court on December 12, 2025.
6. Respondent's counsel, Christian G. Spradley of Moore Bradley Myers, PA, sent notice of the Order's filing from his office on December 18, 2025—six days after the Order was filed. This delay violated the requirement under Rule 77(d), SCRCF, that notice be served "forthwith."
7. Appellant received the notice of the Order on Saturday, December 20, 2025, at the disputed property address, giving him only business days (Monday, December 22) to prepare and file their appeal within the ten-day statutory deadline.
8. Appellant timely filed his Notice of Appeal on December 22, 2025, with the Clerk of Court for Saluda County and proceeded immediately to the Court of Appeals to perfect their appeal.

Property Removal During Appeal Period

9. On Saturday, December 20, 2025, and Sunday, December 21, 2025—before the appeal deadline had expired and while Appellant retained all appellate rights—Respondent Lisa Molstad and her agent Jason Pippin began removing Appellant's personal property from the premises at 2465 Lot D, Pine Grove Road.
10. The property being removed includes but is not limited to a 36-foot lowboy trailer (which Mr. Price owns and for which he has title), household furniture, personal belongings, appliances, tools, construction equipment, documents, and other items accumulated during Mr. Price's residency pursuant to the two-year Lease Agreement executed at closing on June 1, 2023.
11. The removal activities have continued beyond the weekend and are ongoing as of the filing of this Motion.

Audio Evidence of Property Removal During Pending Appeal

12. Mr. Price made audio recordings documenting his attempts to report the property removal to the Saluda County Sheriff's Office on December 21-22, 2025. These recordings, made pursuant to South Carolina's one-party consent statute (S.C. Code Ann. § 16-17-470), provide critical evidence of the timing, coordination, and nature of the property removal. Transcripts are attached as **Exhibit A** through **Exhibit C**, with original audio files provided on USB drive.
13. **Exhibit A** — Recording 1 (December 21, 2025, 4:23 duration): Mr. Price called the Sheriff's Office to report that his 36-foot trailer was being moved. During this call, Mr. Price explicitly stated to law enforcement:

"The case has been under appeal" and "This appeal is still in effect for the eviction."

This establishes that (1) property removal was occurring during the pendency of the appeal, and (2) Mr. Price was aware his appeal rights were still in effect and informed law enforcement of this fact.

14. Additionally, a deputy informed Mr. Price during this call that *he had been called to the property "last night"*—December 20, 2025, the same evening Mr. Price received notice of the Order. This admission establishes that law enforcement was involved at the property on the evening notice was received, suggesting coordination or advance knowledge of the removal plans. (Exhibit A, Transcript at 03:01)

15. Exhibit C — Recording 3 (December 22, 2025, 1:10 duration): Mr. Price called the Sheriff's Office again to report the ongoing property removal. The Sheriff's Office dispatcher or secretary:

- Refused to identify herself despite Mr. Price's repeated polite requests;
- Refused to take Mr. Price's report, stating explicitly: "*Hugh, we're not doing any reports for you*";
- Instructed Mr. Price to go to the magistrate's office instead; and
- Terminated the call with "*Have a good day and don't call us back.*"

This systematic refusal to assist Mr. Price in documenting or reporting the property removal strongly suggests coordination to prevent creation of an official record of the removal activities. (Exhibit C, Transcript at 00:52)

16. Taken together, these recordings establish: (1) Mr. Price's awareness that his appeal was pending and still in effect; (2) property removal occurring during the pendency of the appeal; (3) law enforcement involvement or awareness on the evening notice was received; and (4) coordinated refusal to assist Appellant in documenting the removal. This pattern of conduct demonstrates a calculated effort to execute the Order and

remove property before Mr. Price could obtain judicial intervention on his timely appeal.

Suspicious Timing and Coordination

17. The sequence of events, corroborated by the audio evidence, demonstrates a coordinated effort to execute the trial court's Order during the appeal period and before Appellant could perfect their appeal:
- a. December 12, 2025: Order filed
 - b. December 18, 2025: Notice sent (6-day delay in violation of Rule 77(d))
 - c. December 20, 2025: Notice received by Appellant (Saturday evening); law enforcement called to property same evening (**Exhibit A**)
 - d. December 19, 2025: Property removal begins (weekend, during appeal period); Mr. Price informs law enforcement "appeal is still in effect" (**Exhibit A**); Sheriff's Office refuses to take report or assist (**Exhibit C**)
 - e. December 22, 2025: Appeal deadline (Monday); Notice of Appeal timely filed
 - f. December 23, 2025: Property removal continues despite appeal filing
18. On or about December 20, 2025, Appellant delivered Respondent's counsel a cease-and-desist letter demanding that Respondent cease the removal of Appellant's property (See **Exhibit D: Cease and Desist Letter to Christian G. Spradley**, attached hereto.)

LEGAL STANDARD

Court's Retained Jurisdiction

19. Rule 225(a), SCACR, provides: "The timely filing of a notice of appeal shall divest the circuit court of jurisdiction except to the extent necessary for the enforcement of the order appealed from and for proceedings to preserve the status quo pending appeal." (Emphasis added.)

20. Rule 208(b), SCACR, expressly authorizes this Court to stay execution of a judgment or order during the pendency of an appeal: "The circuit court may stay execution of a judgment or order pending appeal upon such terms as it deems proper for the security of the rights of the adverse party."

21. Rule 65, SCRCR, authorizes this Court to issue temporary restraining orders and preliminary injunctions to prevent irreparable injury.

Standards for Stay Pending Appeal

22. To obtain a stay pending appeal, a movant must demonstrate:

A likelihood of success on the merits of the appeal;

A likelihood of irreparable harm if the stay is not granted;

That the harm to the movant outweighs any harm to the adverse party from the granting of the stay; and

That the public interest favors the granting of the stay.

See Coastal Conservation League v. S.C. Dep't of Health & Envtl. Control, 382 S.C. 151, 675 S.E.2d 386 (2009).

Standards for Temporary Restraining Order

23. A temporary restraining order may be issued upon a showing of:

Immediate and irreparable injury, loss, or damage will result before the adverse party can be heard in opposition; and

A likelihood of success on the merits of the underlying claim.

See Rule 65(b), SCRCR.

ARGUMENT

APPELLANT FACES IMMEDIATE AND IRREPARABLE HARM

24. The removal of Appellant's personal property from the disputed premises constitutes immediate and irreparable harm that cannot be remedied by monetary damages if Appellant prevails on appeal.
25. Personal property, once removed, dispersed, or disposed of, cannot be recovered in its original condition. Items of sentimental value, personal documents, family heirlooms, and other irreplaceable property are being permanently lost.
26. If Appellant succeeds on appeal and this Court's April 25, 2025, Order is reversed, Appellant will have lost the opportunity to reclaim their possessions in place. Many items may be destroyed, sold, discarded, or otherwise made unavailable for return.
27. The ongoing nature of the removal means that with each passing day, additional property is being taken, increasing the scope of irreparable harm. Immediate judicial intervention is required to halt this continuing injury.
28. South Carolina courts have consistently recognized that the loss of possession of property, particularly personal property with unique or sentimental value, constitutes irreparable harm. See *Flateau v. Anderson Cnty.*, 380 S.C. 566, 571, 671 S.E.2d 895, 898 (Ct. App. 2008) (irreparable harm exists where injury cannot be adequately remedied by monetary damages).

PRAYER FOR RELIEF

WHEREFORE, Appellant Hugh Price respectfully request that this Honorable Court enter an Order:

- A. GRANTING this Emergency Motion and issuing an immediate Temporary Restraining Order directing Respondent Lisa Molstad, her agents, representatives, and all persons acting in concert with her, to:

1. Immediately cease and desist from removing any personal property belonging to Appellant from the premises at 2465 Lot D, Pine Grove Road, Ward, South Carolina 29166;
2. Return any property removed since December 21, 2025, to its original location on the premises;
3. Maintain the status quo with respect to all personal property on the premises pending further Order of this Court or the Court of Appeals;

B. GRANTING a Preliminary Injunction, after hearing, maintaining these restrictions during the entire pendency of the appeal;

C. STAYING execution of the December 12 2025, Order Denying Appeal Judgment pending resolution of the Appellate Court appeal;

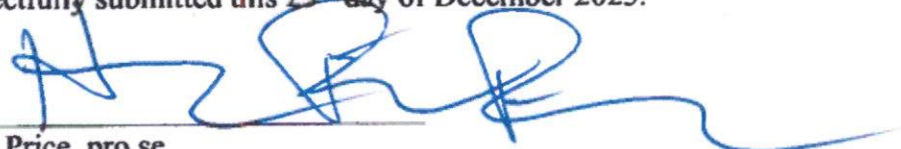
D. SCHEDULING an expedited hearing on this Motion within 24 to 48 hours if the Court declines to grant ex parte relief;

E. ORDERING Respondent to show cause why she should not be held in contempt for executing a judgment during the pendency of an appellate court appeal;

F. AWARDING Appellant the costs and attorney fees incurred in bringing this emergency application, if permitted by law; and

G. GRANTING such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of December 2025.

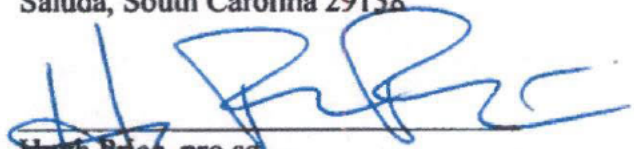


Hugh Price, pro se
2465 Lot D, Pine Grove Road
Ward, South Carolina 29166

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December 2025, a true and correct copy of the foregoing Emergency Motion for Stay Pending Appeal and Temporary Restraining Order was served upon counsel for Respondent by [hand delivery / email / U.S. Mail, postage prepaid] addressed as follows:

Christian G. Spradley, Esquire
Moore Bradley Myers, PA
110 S. Main Street
Saluda, South Carolina 29138


Hugh Price, pro se

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