

From: [Terry Pinckney](#)
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Subject: Emergency Motion for Relief – Rule 240, SCACR – Case No. 2024CP1801906
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IN THE SOUTH CAROLINA COURT OF APPEALS

Herbert Pinckney,
Appellant,

v.

Jacqueline Fulton,
Respondent.

Case No.: 2024CP1801906

MOTION FOR RELIEF PURSUANT TO RULE 240, SCACR

COMES NOW the Appellant, Herbert Pinckney, by and through his lawful Power of Attorney and Guardian, and respectfully moves this Honorable Court for relief pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR).

This motion is based upon Respondent's continuing violation of court-ordered occupancy terms, repeated nonpayment of rent, and ongoing conduct causing financial and property harm while appellate proceedings remain pending.

I. PROCEDURAL BACKGROUND

This matter originates from proceedings in the Dorchester County Magistrate Court, including court orders issued on or about December 2, 2024, governing Respondent's conditional occupancy of the subject property.

The Magistrate Court expressly ordered that:

Full and timely rent payments were required;

Late payments, partial payments, and missed payments were not permitted; and

Continued occupancy was contingent upon strict compliance with those terms.

Respondent has pursued multiple appeals, all of which have been unsuccessful. The matter is presently pending before this Court.

II. CONTINUING VIOLATIONS AND NONCOMPLIANCE

Respondent has failed to comply with the court-ordered payment requirements, including but not limited to:

a. September 2025 rent has not been paid in full and remains outstanding as of January 14, 2026.

b. Full rent for January 2026 has not been received, despite Respondent acknowledging on January 7, 2026 that payment was due and would be made.

c. The missed September payment was previously subject to a five-day cure period, which has long since expired.

d. The existing court order does not allow additional grace periods for subsequent late or incomplete payments.

e. The current outstanding balance exceeds two hundred dollars (\$200.00).

These failures constitute a second consecutive month of noncompliance, in direct violation of the Magistrate Court's orders.

Respondent has also:

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Denied lawful access to the property by the homeowner and Power of Attorney;
Caused damage to the residence;
Submitted returned or dishonored payments; and
Continued to occupy the premises despite ongoing violations.

III. BASIS FOR RELIEF UNDER RULE 240

Rule 240, SCACR authorizes this Court to consider motions seeking appropriate relief while an appeal is pending.

Respondent's continued violations undermine the integrity of the court's orders and cause ongoing financial harm to Appellant, who is currently residing in a nursing facility and unable to personally protect the property or finances.

Without intervention, Appellant will continue to suffer irreparable financial and property damage while Respondent benefits from noncompliance.

IV. RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court:

Take judicial notice of Respondent's continued noncompliance with court-ordered payment obligations;

Grant appropriate relief to enforce the underlying court orders, including but not limited to:

Authorization for enforcement proceedings;

Clarification that continued occupancy is not permitted while violations persist; and/or
Any other relief the Court deems just and proper.

Grant such other and further relief as equity and justice require.

Respectfully submitted,

Herbert Pinckney

I hereby certify that a true and correct copy of this Motion was served upon the Respondent on this 19th day of January , 2026, by:

U.S. Mail

Certified Mail

XEmail

Hand Delivery

To:

Jacqueline Fulton

[Last Known email address fultonjackie3@gmail.com

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