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Feb 04 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

Civil Action No. 2026-CP-23-00430

Sheereen Mckibben,, Appellant

v.

Plantations At Haywood,, Respondent.

EMERGENCY MOTION FOR STAY OF ENFORCEMENT OF JUDGMENT

TO: THE HONORABLE JUDGES OF THIS COURT

COMES NOW the Defendant, Sheereen Mckibben (hereinafter referred to as “Appellant”), respectfully moves this Honorable Court pursuant to Rule 241 of the South Carolina Appellate Court Rules (SCACR) and applicable case law files this Emergency Motion to Stay the execution of the Writ of Ejectment scheduled for February 5, 2026, at 3:00 PM, and for Relief from the Circuit Court’s Order of Dismissal dated February 2, 2026. In support thereof, Defendant states as follows:

INTRODUCTION AND EMERGENCY NATURE

A Writ of Ejectment has been issued, and the Sheriff is scheduled to forcibly evict Defendant from her home at 31 Kenlauren Avenue, Greenville, SC, on **February 5, 2026, at 3:00 PM.**

This Motion is filed on an emergency basis due to the imminent and irreparable harm Defendant will suffer if evicted namely, homelessness and the loss of her personal property.

FACTUAL BACKGROUND

Defendant timely appealed the Magistrate Court's judgment to this Circuit Court. An appeal bond hearing was scheduled for **January 30, 2026.** On **January 25, 2026,** a severe ice storm struck South Carolina, causing widespread power outages, hazardous road conditions, and significant disruptions across multiple counties, including Greenville County and Anderson County.

Due to the dangerous conditions, Defendant was forced to relocate temporarily to a family member's home in Easley, SC (Anderson County) to ensure her safety. The storm and its aftermath severely disrupted normal communications. Defendant made several diligent attempts to contact the Magistrate Court and/or the Clerk of Court's office to request a continuance of the January 30th bond hearing but was unable to reach anyone due to closed offices, high call volume, and systemic outages. Through no fault of her own, Defendant was unable to appear at the January 30, 2026, bond hearing.

Upon information and belief, based on Defendant's non-appearance, the Magistrate Court recommended dismissal of her appeal. On **February 2, 2026,** this Honorable Court entered an Order dismissing Defendant's appeal, stating: "Appellant failed to appear at the bond hearing. At the request of the Magistrate's Court, this appeal is hereby dismissed." Immediately following

the dismissal, the Magistrate Court issued a new Writ of Ejectment, setting the eviction for **February 5, 2026, at 3:00 PM.**

ARGUMENT

A. Grounds for Relief from the Dismissal Order (SCRCP Rule 60(b))

The dismissal of Defendant’s appeal was due to “excusable neglect” as defined by SCRCP Rule 60(b)(1). A state-declared weather emergency that renders travel life-threatening and disrupts governmental phone systems constitutes a classic example of excusable neglect.

13. Defendant acted with diligence by attempting to contact the court prior to the hearing. Denying her the right to appeal under these extreme circumstances violates fundamental fairness and due process.

B. Irreparable Harm & Balance of Equities

If the eviction proceeds, Defendant will suffer immediate, severe, and irreparable harm: loss of shelter, potential loss of employment stability, and the traumatic displacement of herself and her belongings. Her personal property risks being placed on the street. In contrast, a short stay to allow this Court to reconsider its dismissal causes minimal prejudice to the Plaintiff, who has already obtained a judgment and will suffer only a brief delay in possession. The public interest favors allowing citizens their day in court, especially when prevented by an act of nature, and favors preventing preventable homelessness.

C. Likelihood of Success on the Merits

Defendant has a strong likelihood of success on the merits of having the dismissal order vacated due to the compelling evidence of excusable neglect. Furthermore, Defendant has meritorious defenses to the underlying ejectment action which she seeks to present on appeal.

AFFIDAVIT OF SHEEREEN MCKIBBEN

Attached hereto and incorporated as **Exhibit A** is the sworn affidavit of Sheereen McKibben verifying the facts concerning the ice storm, her relocation, her attempts to contact the court, and the imminent harm of eviction.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully prays that this Honorable Court grant the following relief:

1. Enter an **Emergency Temporary Stay**, effective immediately, halting the execution of the Writ of Ejectment scheduled for February 5, 2026, at 3:00 PM, pending this Court’s ruling on this Motion.
2. Upon hearing, grant relief pursuant to SCRCR Rule 60(b)(1) and **VACATE** the Order of Dismissal entered February 2, 2026, in Case No. 2026CP2300430.
3. **REINSTATE** Defendant’s appeal and **SCHEDULE** a new appeal bond hearing.
4. **STAY** any further enforcement of the Writ of Ejectment until the reinstated appeal can be heard on its merits.
5. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted

By: /s/ Sheereen Mckibben

Sheereen Mckibben
31 Kenlauren Av Apt. 31
Greenville SC 29607
(864) 748-5016
Sheereen4488@icloud.com

February 4, 2026
Greenville, South Carolina

(EXHIBIT A)

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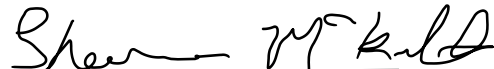
AFFIDAVIT OF SHEEREEN McKIBBEN

BEFORE ME, the undersigned notary public, personally appeared Sheereen McKibben, who, being duly sworn, deposes and states:

1. My name is Sheereen McKibben. I am the Defendant in the above-captioned case.
2. An appeal bond hearing was scheduled in my case for January 30, 2026.
3. On January 25, 2026, a major ice storm struck the Upstate South Carolina region. I have personal knowledge of widespread power outages, downed trees, and road closures reported by local news (WYFF, etc.) and experienced by myself and my family.
4. Due to the dangerous conditions and loss of power at my residence, I traveled to a family member's home in Easley, SC (Anderson County) on or about January 26, 2026, to ensure my safety.

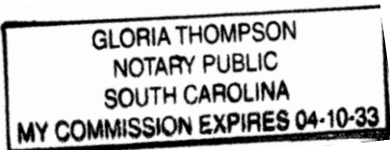
5. Between January 26 and January 30, 2026, I attempted to call the Magistrate Court and/or the Clerk of Court's office on multiple occasions to request a continuance of my hearing. The lines were either busy, went unanswered, or provided a recording stating the office was closed due to weather.
6. I was unable to safely travel back to Greenville for the hearing on January 30, 2026, due to continued hazardous road conditions.
7. I have since learned my appeal was dismissed because I missed that hearing.
8. I have now been served with notice that I will be evicted from my home on February 5, 2026, at 3:00 PM.
9. If I am evicted, I will have nowhere to go immediately, and all of my personal belongings will be removed and placed at the roadside, subject to loss or destruction.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Sheereen McKibben

Sworn to before me this 4th day of February 2026.


Notary Public for South Carolina
My Commission Expires: 04/10/2033



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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2026, I served a copy of the forging **EMERGENCY MOTION TO STAY WRIT OF EJECTMENT AND FOR RELIEF FROM JUDGMENT**) via United States Mail, postage prepaid and addressed to:

Plantations At Haywood
PO Box 3547
Spartanburg SC 29304
Attorney for Joseph Hunter Bledsoe

By: /s/ Sheereen Mckibben _____
Sheereen Mckibben
31 Kenlauren Av Apt. 31
Greenville SC 29607
(864) 748-5016
Sheereen4488@icloud.com

February 5, 2026
Greenville, South Carolina