

EMERGENCY MOTION FOR EXPEDITED CONSIDERATION

OF MOTION TO RECALL REMITTITUR

IN THE SOUTH CAROLINA COURT OF APPEALS

CENTRE POINTE CHARLETON, LLC v. AVIS JOHNSON

APPELATE CASE NO. 2024-001520

RECEIVED

Feb 25 2026

SC Court of Appeals

Emergency Motion for Expedited Consideration

Appellant respectfully moves this Court for emergency expedited consideration of her pending Motion to Recall the Remittitur. Immediate review is necessary to prevent ongoing and irreparable harm resulting from documented lack of notice and significant procedural irregularities that deprived Appellant of meaningful opportunity to be heard.

Background

1. Appellant timely filed her appeal in this matter
2. Appellant relied on electronic notifications regarding deadlines
3. Email communications ceased, and Appellant did not receive notice of the briefing deadline
4. Mailed correspondence from the Court was returned undeliverable. The docket now reflects returned mail demonstrating Appellant did not receive notice.
5. Due to lack of notice, Appellant did not file a brief, and the appeal was dismissed. A remittitur was issued.
6. Upon learning of the dismissal, Appellant promptly filed a Motion to Recall the Remittitur, along with a supplemental memorandum and affidavit explaining the lack of notice.
7. Appellant has since lost possession of her residence on 2/18/2026.

Additional Procedural Irregularities

In addition to the lack of notice reflected in the appellate record

8. A defective writ of the ejectment was issued in the underlying matter,
9. No corrected writ of ejectment was ever properly served upon Appellant prior to execution
10. Appellant attempted to file a motion to stay enforcement but was not permitted to do so by the magistrate court.
11. These compounding procedural failures resulted in loss of possession without meaningful opportunity to be heard.

Grounds for Emergency Relief

The harm to Appellant is ongoing and irreparable. The loss of housing and personal property cannot be fully remedied after the fact. The docket now reflects returned mail establishing lack

of notice of the briefing deadline. The combination of appellate notice failure and irregularities in execution of the writ raises substantial due process concerns warranting immediate review.

Without expedited consideration of the pending Motion to Recall the Remittitur, further harm may occur

Prayer for Relief

WHEREFORE, Appellant respectfully requests that this Court:

1. Expedite consideration of the pending Motion to Recall the Remittitur
2. Stay any further proceedings pending review;
3. Grant such other and further relief as this Court deems just and proper

Respectfully submitted.

Avis Johnson

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2/25/2026

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SC Court of Appeals

**FORM 7
PROOF OF SERVICE OF EMERGENCY
MOTION FOR EXPEDITED CONSIDERATION
OF MOTION TO RECALL REMITTITUR**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In the Supreme Court]

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Milton G. Kimpson, Circuit Court

Judge

Case No. 2024-001520

Sean M. Tropea, as Personal
Representative of the Estate of
Centre Pointe Charleston, LLC Respondent,

v.

Avis Johnson, Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Expedited Consideration of the Motion to Recall Remittitur on Centre Pointe Charleston, LLC by depositing a copy of it in the United States Mail, postage prepaid, on February 25, 2026, addressed to his attorney of record, Sean M. Tropea, Post Office Box 62975 North Charleston, South Carolina 29418.

February 25, 2026

s/ Avis Johnson
Avis Johnson
1809 Calvert St Apt 6
North Charleston, South Carolina
29405
(843) 452-3048
Appellant