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Feb 26 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
)
)

IN THE MAGISTRATE'S COURT
Case No.: 2025-CP-18-07026

BPREP SFR Owner LLC,
Plaintiff(s)
vs
Kiana Sanders,
Defendant

EMERGENCY MOTION TO STAY
WRIT OF POSSESSION

COMES NOW the Defendant, Kiana Sanders, appearing pro se, and respectfully moves this Court for an emergency, temporary stay of execution of the Writ of Ejectment, pursuant to the Court's equitable authority, SCRCP Rule 60(b), and applicable Magistrate Court practice, and states as follows:

1. A Judgment for Possession was entered on or about February 12, 2026, and a Writ of Ejectment issued on or about February 24, 2026.
2. Defendant does not seek to relitigate the merits of the possession judgment and acknowledges that South Carolina law does not require a landlord to accept a post-writ cure. See *In re Turki* (Bankr. D.S.C. 2023).
3. Defendant seeks only a short, equitable stay of execution prior to physical eviction to prevent immediate homelessness and to allow imminent third-party rental assistance to be processed.
4. Defendant is a single mother with minor children, and execution of the writ without a brief stay will result in immediate homelessness, constituting irreparable harm.
5. Defendant has an active and open rental-assistance application with Origin SC – Homeless Prevention Department, which has confirmed in writing that the application remains open and is pending landlord completion of required forms.

6. The delay in funding is not caused by Defendant, but by administrative non-completion of landlord paperwork.
7. Courts retain equitable authority prior to execution of a writ to temporarily stay enforcement in exceptional circumstances to prevent grave injustice, particularly where children and imminent funding are involved. See persuasive authority discussed in Defendant's attached affidavit and memorandum (including *Super Nova 330 LLC v. Gazes* and analogous hardship-stay cases).
8. A brief stay of 7–14 days, conditioned on Defendant's continued cooperation and proof of assistance processing, will not materially prejudice Plaintiff, while denial will cause irreversible harm.

WHEREFORE, Defendant respectfully requests that this Court:

- A. Enter an immediate stay of execution of the Writ of Ejectment for 7–14 days;
- B. Condition the stay on Defendant providing proof of continued rental-assistance processing;
- C. Grant such other and further relief as equity and justice require.

Date: _____

Respectfully submitted,

/s/ _____

Kiana Sanders
Defendant, Pro Se
153 Stratton Drive
Charleston, SC 29420
Phone: (843) 224-0407
kianasanders87@gmail.com

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SWORN AFFIDAVIT OF DEFENDANT

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

I, Kiana Sanders, being duly sworn, state:

1. I am the Defendant in this eviction matter and reside at 153 Stratton Drive, Charleston, SC.
2. I am a single mother with minor children who reside with me at the subject property.
3. I acknowledge that a judgment for possession and writ of ejection have issued. I am not attempting to relitigate the eviction.
4. I have an active rental-assistance application with Origin SC – Homeless Prevention Department, which has confirmed in writing that my application remains open and pending landlord documentation.
5. I have fully cooperated with the assistance program and promptly provided all required tenant information.
6. If evicted immediately, my children and I will have no alternative housing, resulting in homelessness.
7. I am requesting only a short, temporary stay to allow the assistance process to complete and to prevent irreparable harm.
8. I make this affidavit in good faith and under penalty of perjury.

FURTHER AFFIANT SAYETH NAUGHT.

Date: _____

/s/ _____

Kiana Sanders
Defendant, Pro Se
153 Stratton Drive
Charleston, SC 29420
Phone: (843) 224-0407
kianasanders87@gmail.com

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IN THE MAGISTRATE'S COURT

COUNTY OF DORCHESTER)

Case No.: 2025-CP-18-07026

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BPREP SFR Owner LLC,
Plaintiff(s)

vs

PROPOSED ORDER GRANTING
TEMPORARY STAY OF EXECUTION
OF WRIT

Kiana Sanders,
Defendant

Upon consideration of Defendant’s Emergency Motion to Stay Execution of Writ of Ejectment, the Court finds that exceptional circumstances exist warranting temporary equitable relief prior to execution.

IT IS HEREBY ORDERED that:

1. Execution of the Writ of Ejectment is STAYED for ____ days from the date of this Order.
2. Defendant shall provide proof of continued rental-assistance processing during the stay period.
3. This Order does not vacate the judgment for possession.
4. Upon expiration of the stay, Plaintiff may proceed unless further order of the Court.

SO ORDERED.

/s/ _____

Magistrate Judge
Dorchester County, South Carolina