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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

R. Kirk Griffin, Circuit Judge

Appellate Case No. 2026-000460

Shontea Jones Taylor,Appellant.

v.

Sandra Forsythe and Claude Forsythe, Respondents.

RESPONDENTS' RETURN TO MOTION TO STAY
ENFORCEMENT PENDING APPEAL

Respondents hereby submit this return to the Appellant's motion to stay enforcement pending appeal. Respondents note the following in return to Appellant's motion:

1. This is an appeal of the denial of Appellant's motion for relief from the underlying ejectment judgment. It is not an appeal *of* the ejectment judgment. Accordingly, the automatic stay on appeal does not affect the validity or operation of the ejectment judgment, which is not the appealed order and remains valid and enforceable. Stearns Bank Natl. Assn. v. Glenwood Falls, LP, 375 S.C. 423, 426, 653 S.E.2d 274, 276 (2007).

2. As in Stearns Bank, “absent the grant of some extraordinary relief to [Appellant] by the appellate court during the pendency of such an appeal, [Respondents are] entitled to enforce [their] judgment.” Id.
3. Unlike in an appeal of an order that renders a judgment of ejectment, Appellant cannot simply have a stay by meeting the conditions set forth in S.C. Code Ann. § 27-40-800(f)(1). That statutory section does not apply to this appeal. S.C. Code Ann. § 27-40-800(f)(1); Stearns Bank, 375 S.C. at 426. (In any event, Appellant has not met those conditions. S.C. Code Ann. § 27-40-800(f)(1).)
4. Appellant has not shown entitlement to “the grant of some extraordinary relief” in the form of a stay. Stearns Bank, 375 S.C. at 426.
5. Indeed, Appellant advances no grounds for her motion at all. Her motion simply states its desired outcome – a stay pending appeal – and tells the reader nothing about why such a stay ought to be granted. Motions in this court “shall state the grounds thereof,” Rule 240(c), SCACR, and this motion does not.
6. If the court were to look beyond Appellant’s motion and search for grounds for “the grant of some extraordinary relief[,]” Stearns Bank, 375 S.C. at 426, the court would not find them. As the appealed order analyzes in detail, Appellant made no showing of anything indicating there is any deficiency in the underlying ejectment judgment.

Respectfully to Appellant, the Respondents note that is an assessment on which reasonable minds could not differ.

7. As Judge Griffin’s appealed order observes, the Appellant’s procedural maneuvers have already prejudiced the Respondents significantly, and granting the stay Appellant seeks would only prejudice them further, all in the absence of anything put forth by Appellant other than a naked, groundless request for a stay.
8. The law does not entitle Appellant to a stay. Stearns Bank, 375 S.C. at 426. Appellant has advanced no grounds for one and has indeed made no argument at all in her motion. Appellant has not demonstrated her entitlement to “the grant of some extraordinary relief[.]” Id.

WHEREFORE Respondents pray for an order denying Appellant’s motion.

Proof of service. I, the undersigned Andrew S. Radeker, hereby certify that this document was served on the date given below by depositing it in the United States mail, with sufficient postage affixed, addressed as follows:

Ms. Shontea Jones Taylor
4201 Buck Creek Ct.
North Charleston, SC 29420

I am also providing a copy of this document to the Appellant via email on the date given below.

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Respectfully submitted,

/s/ Andrew S. Radeker
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