

The South Carolina Court of Appeals

Shontea Jones Taylor, Appellant,

v.

Sandra Forsythe and Claude Forsythe, Respondents.

Appellate Case No. 2026-000460

ORDER

On February 25, 2026, Appellant filed a notice of appeal from the circuit court's denial of her motion seeking relief pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure. In the circuit court, Respondents sought and obtained an order granting them a default judgment against Appellant on their ejectment claim and ordering that Appellant be ejected from the property. Appellant appealed to this court, and we dismissed her appeal on the basis that she had not properly challenged the order granting the default judgment.¹ Simultaneously with her February 25, 2026 notice of appeal, Appellant filed a motion seeking a stay of both the order denying her motion for Rule 60(b) relief and the underlying default judgment ordering her ejectment. Respondents filed a return, arguing (1) Appellant advanced no argument in support of her motion and (2) an appeal from the denial of a Rule 60(b) motion is not an appeal of the underlying ejectment

¹ See *Winesett v. Winesett*, 287 S.C. 332, 334, 338 S.E.2d 340, 341 (1985) ("[A] default judgment may not be appealed to this Court. The proper procedure for challenging a default judgment is to move the trial court to set aside the judgment pursuant to Rule 60(b), SCRPC."); *id.* at 333, 338 S.E.2d at 341 (providing three reasons for requiring this procedure: (1) "a defendant who does not appear and answer 'has no status in court which will enable him to appeal from the judgment rendered"; (2) "a party appealing a default judgment will ordinarily be precluded from raising any issues on appeal because they were not first presented below"; and (3) "the appellant will often not be able to meet his burden of providing this Court with a record sufficient to permit an adequate review.").

judgment and does not affect the validity or operation of the ejectment judgment. Appellant filed a reply.

After careful consideration, we deny as moot Appellant's motion to stay the circuit court's order denying her Rule 60(b) motion because appeals from Rule 60(b) motions are automatically stayed by an appeal. *See Stearns Bank Nat. Ass'n v. Glenwood Falls, LP*, 375 S.C. 423, 426, 653 S.E.2d 274, 276 (2007) (explaining that appeals from Rule 60(b) motions are automatically stayed by an appeal).

We further deny Appellant's request for a stay of the underlying ejectment order because Appellant has failed to provide this court with the argument, authority, or factual circumstances necessary to justify the granting of such extraordinary relief. *Id.* (explaining the denial of a Rule 60(b) motion "grants no relief"; the granting of "no relief" thus "leaves the parties in the exact position they were in before the 60(b) motion and appeal, that is, the original judgment is unaffected. Accordingly, absent the grant of some extraordinary relief to the debtor by the appellate court during the pendency of such an appeal, the creditor is entitled to enforce its judgment.").



FOR THE COURT J.

Columbia, South Carolina

cc:
Shontea Jones Taylor
Andrew Sims Radeker, Esquire
William H. Sloan, Jr., Esquire

FILED
Feb 27 2026