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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 AMENDED MOTION TO STAY
ENFORCEMENT OF EJECTMENT JUDGMENT PENDING APPEAL

Respondents hereby submit this return to the Appellant's amended motion, filed March 2, 2026, to stay ejectment pending appeal. Respondents note the following in return to Appellant's amended motion:

1. Taking Appellant at her word, her filing is (or is an attempt at) an amendment of a motion upon which this court has already ruled. There is, really, no new motion on which to rule. The procedure in Rule 240(d)-(f), SCACR, for making and responding to motions does not allow for amendment of a motion, especially one that has gone fully through the motion process, having been ruled upon already. Nothing in Rule 240 or any other appellate court rule allows for that.

2. If what Appellant seeks is a rehearing, that also is not allowed by the rules of this court. This “court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party’s appeal.” Rule 240(i), SCACR.
3. Appellant chose to amend her motion rather than to seek review of Judge McDonald’s order that denied it. “Upon the issuance of a final order by an individual judge or justice [on a motion for supersedeas or to lift stay], an aggrieved party may petition the full appellate court for review of that decision.” Rule 241(d)(2), SCACR. Appellant’s amended motion nowhere says she seeks such review.
4. In any event, the review contemplated under Rule 241(d)(2), SCACR, does not contemplate the making of new arguments; it is *review*, a determination of whether the ruling judge of this court got the decision on the motion right *on the basis of the arguments and record that were before that judge when he or she ruled*. Rule 241(d)(2), SCACR; *cf. Sanders v. Salley*, 283 S.C. 458, 460, 322 S.E.2d 829, 830 (Ct. App. 1984) (appellate court’s task is “to review the judgment of the circuit court for reversible error based on the issues and evidence presented to that court”).
5. If the court views the amended motion as a request for full-court review, that request cannot but fail. None of the arguments made in the amended motion were made in the motion this court has denied.

They cannot be reviewed, since they were never put in a position to be viewed.

6. A motion seeking a stay “shall contain . . . the grounds for the petition, and legal arguments with supporting points and authority[.]” Rule 241(d)(4)(B), SCACR. Appellant’s amended motion cites no authority for anything.
7. Appellant seems to contend that she was denied due process of law because there was required to be some separate order declaring her to be in default before the circuit court could hold a hearing and act on her default and order ejectment. First, this is a new argument, never made before now. Second, no legal authority supports this idea. This court has rejected the argument that a default only has effect once an entry of default has been made in the court’s file. Stark Truss Co., Inc. v. Superior Const. Corp., 360 S.C. 503, 509-10, 602 S.E.2d 99 (Ct. App. 2004); Thynes v. Lloyd, 294 S.C. 152, 153-54, 363 S.E.2d 122 (Ct. App. 1987). Third, and maybe most importantly, this argument has little bearing, if any, on whether Appellant should get the stay she has requested.
8. Appellant argues that a stay is necessary to keep the status quo, but it is Appellant who seeks to change the status quo with her amended motion. This is an appeal of the denial of Appellant’s motion for relief from the underlying ejectment judgment, not an appeal *of* the ejectment judgment. 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). The status quo is that the Respondents have an ejectment judgment in their favor that has for several months now required the sheriff to aid Respondents in regaining possession of the premises and ejecting Appellant from it. See id. The status quo is that ejectment has been ordered and needs to be carried out. See id.

9. Appellant has put nothing before the court in the way of facts that show her proposed bond amount, \$3,000, is adequate to protect Respondents during the duration of this appeal. She is not simply entitled to an appeal bond in the amount of the monthly rent as it comes due, as under S.C. Code Ann. § 27-40-800(f)(1), since this is not an appeal of an ejectment order. In any event, she has not given the undertaking that statute requires when it does apply. Id.
10. Appellant's contention that a stay would not prejudice Respondents ignores that Respondents are entitled to possession of the subject premises and, if this court were to grant a stay, Respondents would be deprived of that possession even more than they already have been.
11. Appellant's mootness argument is not supported by any legal authority. But, and maybe moreover, it does not carry Appellant to where she needs to be to get extraordinary relief from this court. See Stearns Bank, 375 S.C. at 426.

12. Appellant argues that she is currently living in the house from which she has been ordered to be ejected and that ejection may occur at any time absent the grant of a stay by this court. These circumstances would be present almost any time there is an appeal of the denial of a motion for relief from a writ of ejection of a residential tenant. Circumstances that are ordinarily present do not call for extraordinary relief. See Plantation Fed. Bank v. Gray, 401 S.C. 507, 511, 737 S.E.2d 515, 517 (Ct. App. 2013). The circumstances here are not extraordinary. See id.
13. Appellant has not shown that circumstances exist that call for extraordinary relief in the form of a stay of a judgment that is not the appealed order. See Stearns Bank, 375 S.C. at 426. That has already been determined by this court.
14. The writer of this return understands that Appellant is *pro se*, and perhaps she does not know that our court system does not allow repetitive motions until the movant “gets it right.” See, e.g., Rule 240(i), SCACR. That lack of knowledge, however, does not transform this amended motion, which does not comply with the rules of court, into something this court can lawfully grant. “A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.” State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). “[L]ack of familiarity with legal proceedings

is not an acceptable excuse and the court will hold a layman to the same standard as an attorney.” Rouvet v. Rouvet, 388 S.C. 301, 310, 696 S.E.2d 204, 208 (Ct. App. 2010).

WHEREFORE Respondents pray for an order denying Appellant’s amended 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

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

Respectfully submitted,

/s/ Andrew S. Radeker
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March 3, 2026