

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE SOUTH CAROLINA COURT OF)
APPEALS)

) FROM THE SOUTH CAROLINA COURT)
OF COMMON PLEAS)

) Case number 2025-CP-23-06566)

Brittany Marie Anderson)

Appellant)

) RENEWED AND SUPPLEMENTAL)
) EMERGENCY MOTION TO STAY)
) ENFORCEMENT OF WRIT OF EJECTMENT)
) PENDING APPEAL)

vs.)

Buddha Estates LLC)

Respondant)

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MAR 10 2026

SC Court of Appeals

COMES NOW the Appellant, Brittany Anderson, pro se, and respectfully moves this Court for an immediate emergency administrative stay of enforcement of the writ of ejectment and scheduled set-out in this matter. Appellant previously filed a Notice of Appeal and emergency stay request on or about February 5, 2026; however, the appeal appears not to have been properly transmitted into the South Carolina Court of Appeals through no fault of Appellant. Appellant has now been served/posted with a Writ of Ejectment dated March 6, 2026, and the writ states "SET OUT SCHEDULED FOR THURS 3/12/26 AT 10:00 A.M." Unless this Court grants immediate relief, Appellant will be dispossessed before appellate review can occur, rendering the appeal effectively meaningless and causing irreparable harm.

I. PROCEDURAL BACKGROUND

This matter originated as a landlord-tenant eviction action in magistrate court. The merits of the eviction have never been heard. At the initial magistrate court hearing, a scheduling and timing mix-up prevented Appellant from presenting her defense, and she timely appealed to the Court of Common Pleas.

Following the appeal, the magistrate court conducted a bond hearing at which Appellant was ordered to post a bond exceeding \$4,000.

At the time the bond was imposed, Appellant had an approved Affidavit of In Forma Pauperis on file. The magistrate court did not meaningfully consider Appellant's indigency or inability to pay when setting the bond amount.

Appellant was wholly unable to afford the bond, effectively preventing any appellate review of an eviction that was never adjudicated on the merits.

On December 9, 2025, the Court of Common Pleas held a hearing limited solely to the bond issue. No testimony or evidence regarding the merits of the eviction was permitted or considered.

The Court took the bond issue under advisement for more than one month. While the bond issue remained undecided, Respondent filed a Motion to Dismiss the appeal.

Shortly before the Motion to Dismiss was scheduled to be heard, the Court issued a ruling upholding the bond and dismissing the entire appeal on January 29, 2026, without affording Appellant any opportunity to be heard on the merits.

As a result, Appellant's appeal was dismissed procedurally, not substantively. No court has ever adjudicated the merits of the eviction.

Appellant timely filed a Rule 59(e) Motion to Alter or Amend on February 3, 2026, and a Notice of Appeal to this Court on February 5, 2026, along with an Emergency Motion to Stay Enforcement Pending Appeal.

Appellant's original Emergency Motion to Stay was filed at the Greenville County Court of Common Pleas on February 5, 2026. That filing appears not to have been transmitted to this Court through the lower court's docketing process, through no fault of Appellant. Appellant now appears in person before this Court to present this Renewed and Supplemental Motion and requests the Court accept it as timely given the transmission failure.

On March 9, 2026, Appellant discovered and was served/posted with a Writ of Ejectment issued in Magistrate Court case 2025CV2310204248. That writ is dated March 6, 2026 and expressly states that the set-out is scheduled for Thursday, March 12, 2026 at 10:00 a.m. This is no longer a speculative enforcement risk; it is an active and imminent dispossession date. Immediate intervention is therefore necessary to preserve this Court's jurisdiction and prevent the appeal from being mooted before it can be heard.

II. ADDITIONAL CHANGED CIRCUMSTANCES SINCE ORIGINAL FILING

Since the original motion was filed on February 5, 2026, critical new circumstances have arisen that substantially increase the irreparable harm Appellant faces:

- On February 10, 2026, the rental property at 118 Roundtree Drive, Simpsonville, South Carolina was rendered uninhabitable due to a Category 3 sewage backup and extensive water damage. Appellant and her children have been displaced and living in hotels since February 19, 2026.

- Appellant has an active insurance claim with Allstate Insurance (Claim #0818787079) covering Additional Living Expenses and personal property damage arising from the sewage loss. Appellant's damaged personal belongings, including furniture, mattresses, and household goods contaminated by sewage and mold, remain inside the property and have not yet been inspected and documented by a mold remediation specialist.

- Allstate's own contractor confirmed the property is uninhabitable. A medical provider documented Appellant's sewage exposure symptoms on or about February 17, 2026.

- Authenticated video evidence from January 29, 2026 documents the property's condition prior to the sewage incident, directly contradicting the landlord's claims regarding pre-existing damage.

- If the Writ of Ejectment is executed before Appellant's insurance claim is fully documented and adjudicated, Appellant will be permanently locked out of the property, unable to document her damaged belongings, and her insurance claim will be materially prejudiced. This constitutes irreparable harm that cannot be remedied by monetary relief after the fact.

- Appellant timely filed a Notice of Appeal and emergency stay materials in early February 2026 in the Greenville County Court of Common Pleas. Those filings appear on the county docket, including the Notice of Appeal to the South Carolina Court of Appeals. However, no corresponding South Carolina Court of Appeals case could be located by Appellant, suggesting that the appeal may not have been

fully transmitted or opened at the appellate level through no fault of Appellant.

Appellant therefore appears in person now to ensure immediate review before the scheduled set-out.

III. STANDARD FOR STAY PENDING APPEAL In determining whether to grant a stay pending appeal, courts consider: (1) whether serious questions are presented on appeal; (2) whether irreparable harm will occur absent a stay; (3) whether the balance of equities favors a stay; and (4) whether a stay serves the public interest. Rule 225, SCACR; Rule 62, SCRCR. A stay is particularly appropriate where enforcement would moot the appeal and deprive the appellate court of meaningful review.

IV. ARGUMENT

A. This Appeal Raises Serious, Non-Frivolous Issues This appeal presents substantial constitutional and statutory questions that have never been adjudicated, including:

- Whether dismissal of an eviction appeal based solely on failure to post a bond, without meaningful consideration of an approved pauperis status, violates due process and access to appellate review;
- Whether the bond amount was unlawfully calculated by including disputed late fees exceeding the contractual cap of \$100 per month (Respondent charged \$350–\$390 per month in late fees)
- Whether S.C. Code § 27-40-800(b) required the court to permit Appellant to proceed via undertaking rather than cash bond, given her approved indigent status

- Whether Respondent engaged in self-help eviction conduct by terminating gas and hot water service during the pendency of eviction proceedings
- Whether Respondent altered rental ledgers after litigation began, constituting fraud upon the court
- Whether a procedural dismissal functioned as a de facto merits determination without any evidentiary hearing, in violation of Appellant's constitutional right to be heard.

B. Irreparable Harm

Appellant will suffer immediate and irreparable harm absent a stay. Once the writ is executed and Appellant is removed from the property, the loss of possession cannot be fully remedied by later monetary relief, and appellate review will be substantially undermined or rendered moot in practical effect. The threatened harm is not theoretical; a set-out date has already been scheduled.

- Loss of access to her personal property and household goods, including items contaminated by sewage that must be documented for her active insurance claim
- Permanent destruction of evidence necessary for Appellant's civil claims against Respondent for premises liability, habitability violations, and insurance interference
- Material prejudice to Appellant's active Allstate insurance claim (Claim #0818787079), which remains pending and unapproved
- The appeal will be rendered moot if eviction is executed before this Court can review it.

C. Balance of Equities Favors Appellant

Any harm to Respondent from a brief stay is financial and temporary.

Harm to Appellant from execution of the writ is immediate, irreversible, and disproportionate, particularly given that Appellant is not presently occupying the property due to the uninhabitable conditions caused by the sewage loss.

Equity strongly favors restraint where enforcement would foreclose meaningful appellate review of a case that has never been heard on the merits.

D. Public Interest

The public interest favors preserving access to appellate courts for indigent litigants, avoiding premature eviction where due process rights have been denied, and ensuring orderly judicial review rather than irreversible enforcement pending appeal.

E. Statutory Undertaking Pursuant to S.C. Code § 27-40-800(b) Without conceding the validity of any prior bond requirement, arrearage determination, or ability to satisfy a full bond, and solely to preserve this Court's appellate jurisdiction, Appellant represents that she is willing to pay ongoing rent prospectively during the pendency of this appeal, if the Court deems such a condition equitable. This representation is offered as an alternative to eviction and not as an admission of financial capacity to satisfy any bond or past due amounts.

V. REQUEST FOR RELIEF WHEREFORE Appellant respectfully requests that this Court:

1. Issue an immediate administrative stay of enforcement of the writ of ejectment and the scheduled March 12, 2026 at 10:00 a.m. set-out;

2. Stay any further enforcement pending this Court's review of Appellant's appeal and emergency motion;
3. Direct that no constable, sheriff, magistrate court, or other enforcement officer proceed with dispossession while this emergency matter is under review;
4. Grant any stay without undertaking, or alternatively with a nominal or modified undertaking consistent with Appellant's indigency;
5. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



Brittany Marie Anderson

Appellant,

3/10/2026

**PROPOSED ORDER GRANTING EMERGENCY STAY OF
ENFORCEMENT OF WRIT OF EJECTMENT PENDING APPEAL**

THIS MATTER came before the Court upon Appellant Brittany Marie Anderson's Renewed and Supplemental Emergency Motion to Stay Enforcement of Writ of Ejectment Pending Appeal. The Court, having considered the motion and the record, and finding good cause shown, hereby ORDERS as follows:

1. Appellant's Renewed and Supplemental Emergency Motion to Stay Enforcement of Writ of Ejectment Pending Appeal is hereby GRANTED.

2. Enforcement of any Writ of Ejectment at the property located at 118 Roundtree Drive, Simpsonville, South Carolina 29681 is hereby STAYED pending resolution of this appeal.

3. The Greenville County Sheriff's Office and all persons acting in concert with Respondent Buddha Estates LLC are hereby ORDERED to refrain from executing any Writ of Ejectment at the above-referenced property until further Order of this Court.

4. Appellant shall pay ongoing periodic rent in the amount of \$_____ to the Clerk of Court for Greenville County on the 1st day of each month during the pendency of this appeal, commencing _____, 2026, as a condition of this stay. [ALTERNATIVE: This stay is granted without undertaking.]

5. This Order shall remain in effect until further Order of this Court.

6. The Clerk of Court is directed to transmit a copy of this Order to the Greenville County Sheriff's Office, counsel for Respondent, and Appellant forthwith.

IT IS SO ORDERED.

Date: _____

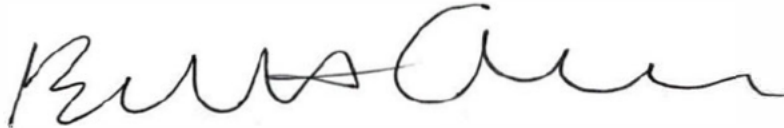
Judge, South Carolina Court of Appeals

Submitted by:

Brittany Marie Anderson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Renewed and Supplemental Emergency Motion to Stay Enforcement Pending Appeal has been served upon counsel for Respondent, Randy Skinner, counsel for Buddha Estates LLC, by email on this 10th day of March, 2026.

A handwritten signature in black ink, appearing to read "Brittany Marie Anderson". The signature is fluid and cursive, with the first name being the most prominent.

Brittany Marie Anderson

Appellant