

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY

Court of Common Pleas

, Circuit Court /Special Referee: Samuel Price Jr

Case No. 2025-CP-36-238

ENID GARCIA,

Respondent

v.

REGGIE JONES,

Appellant

MOTION FOR STAY OF WRIT OF ASSISTANCE AND EVICTION

Appellant Reggie Jones respectfully moves this Court for an Order staying enforcement of the Writ of Assistance and any eviction proceedings pending appeal.

In support, Appellant shows:

1. Appellant has filed a Notice of Appeal from the Order dated March 17, 2026;
2. The appeal raises substantial issues, including lack of proper service from The Newberry County Sheriff's Office, lack of jurisdiction of the lower court as a result of the improper service, finally resulting in a violation of due process;
3. Respondent relied upon service by publication without exercising due diligence, despite Appellant's continuous residence at the property for approximately eleven (11) years;
4. The service affidavit contains no record of attempts at personal service and merely asserts, without proof, that no one resided at the property;
5. Appellant provided substantial documentary evidence of residency, including utility records, identification, and vehicle registration, all of which were disregarded;
6. The Sheriff's Office and same Deputy previously successfully served the Appellant at the same address multiple times between 2024-2026 for landlord tenant summons for Magistrate court in which the Appellant appeared in court and or responded to the complaint with a final determination that the Respondent was asking a court that lacked Subject Matter Jurisdiction to remove Respondent from his home, demonstrating that personal service was readily achievable and that there was a high likelihood of the Appellant appearing for any and all court proceedings related to his home;
7. Appellant challenged Respondent to produce any evidence contradicting his residency, and none was provided;
8. The underlying judgment is void for lack of personal jurisdiction;
9. Enforcement of the Writ of Assistance will result in immediate and irreparable harm, including loss of Appellant's long-term residence and substantial equity;

10. Appellant has a strong likelihood of success on appeal;

11. The balance of equities favors maintaining the status quo.

WHEREFORE, Appellant respectfully requests that this Court stay enforcement of the Writ of Assistance and all eviction proceedings pending resolution of the appeal.

Respectfully submitted,

Reggie Jones (Appellant)

403 Floyd Street, Newberry SC 29108

(803) 537-1012

Paige4newberry@gmail.com

Paige L. Jones
3/20/26

Dated: March 20, 2026