

RECEIVED
Mar 18 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Perry H. Gravely, Chief Administrative Judge – Civil

2025-CP-23-6831

APPEAL FROM WEST GREENVILLE SUMMARY COURT
Jonathan A. Horne, Magistrate Judge

2025CV2310101556

Torques Mingo.Appellant

v.

Flats At Haywood.Respondent

RESPONDENT’S PETITION FOR A WRIT OF MANDAMUS

Torques Mingo
75 Mall Connector Rd. Unit 203
Greenville, SC 29607
Pro Se Appellant

D. Andrew Turman, Esquire
P.O. Box 488
Gastonia, NC 28053
(704) 864-6751
Attorney for Respondent

STATEMENT OF ISSUE

This matter is before the Court on Appellant's appeal of a November 9, 2025, Order/Form 4 from the Greenville County Circuit Court dismissing Appellant's appeal from the West Greenville Summary Court's October 10, 2025, Order to pay his back rent or vacate. A bond hearing was held on October 27, 2025, setting Appellant's appeal bond amount. Appellant failed to post bond and the Hon. Jonathan A. Horne signed a writ of ejectment on November 12, 2025. Appellant filed his notice of appeal to the Court of Appeals on November 13, 2025.

In an ejectment action, the taking of appeal does not automatically act as supersedeas. Respondent filed a motion with the West Greenville Summary Court requesting that it execute Judge Horne's Writ of Ejectment against Appellant. The court has informally informed Respondent that it cannot enforce the writ while this matter remains under appeal. Meanwhile, Appellant continues to occupy Respondent's unit without payment of rent.

This is contrary to the law, and Respondent thus Petitions this Court for a Writ of Mandamus ordering Judge Horne to enforce the November 12, 2025, Writ of Ejectment against Appellant. In support of this Petition Respondent shows the following:

BACKGROUND

Appellant is a tenant of Respondent, residing at 75 Mall Connector Road, Unit 203, Greenville, SC 29607.

Respondent, The Flats at Haywood, is an apartment complex operated by COW, LLC, and located at 75 Mall Connector Road, Greenville, SC 29607, with its office located at 245 West Main Avenue, Gastonia, NC 28052.

On September 18, 2025, Respondent commenced an eviction action against Appellant for failure to pay rent when due or demanded. (Ex. A) The arrears amount alleged was \$2,857.25 at the time of filing.

After two unsuccessful personal service attempts, the Rule to Vacate or Show Cause was posted at Appellant's residence and a copy was mailed. (Ex. B)

Appellant requested a hearing which was held on October 10th, the Hon. Darrell S. Fisher presiding. Judge Fisher ordered Appellant to vacate or pay the balance in full by October 15th or a Writ of Ejectment would be issued. (Ex. C)

Appellant appealed the magistrate court's decision to the Greenville Circuit Court. (Ex. D)

A bond hearing was held on October 27, 2025, before Judge Fisher. Judge Fisher ordered Appellant to pay the current rental arrears of \$4,243.50 by 5 pm on November 3rd and November's rent amount of \$1,125.00 by November 6th or a Writ of Ejectment would be issued. (Ex. E)

Appellant failed to make his bond payment and The Hon. Jonathan A. Horne signed a Writ of Ejectment on November 12, 2025. (Ex. F)

The Chief Administrative Judge, Civil, The Hon. Perry H. Gravely issued an Order/Form 4 dismissing Appellant's appeal to the Greenville Circuit Court on November 13, 2025. (Ex. G)

Appellant appealed Judge Gravely's Order to the Court of Appeals on November 13, 2025. (Ex. H)

Appellant did not file a Motion to Stay Judge Horne's Order. (Ex. I)

Respondent then still proceeding pro-se, contacted the magistrate court about enforcing the ejectment, but were informed that they could not proceed while this matter remained under appeal.

The undersigned again contacted the magistrate court regarding enforcing the Writ of Ejectment but was informed they could not act on it while this matter “remained in Columbia.”

Respondent filed a Motion with the magistrate court on February 24, 2026, moving that they enforce Judge Fisher’s October 10, 2025, Order and his October 15th Writ of Ejectment.

(Ex. J)

Respondent affirms that Appellant has continued to occupy Unit 203 at Flats At Haywood without paying rent. (Ex. K)

STATEMENT OF LAW

Rule 241 (b)(10) SCACR holds that ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800, are an exception to the general rule that service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.

S.C. Code Ann. § 27-37-130 dictates:

An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate. S.C. Code Ann. § 27-37-130 (2024).

S.C. Code Ann. § 27-40-800 dictates:

(b) It is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by the magistrate in accordance with Section 27-40-780, as it becomes due periodically after the judgment was entered. Any magistrate, clerk, or circuit court judge

shall order a stay of execution upon the undertaking. S.C. Code Ann. § 27-40-800 (b) (2024).

ANALYSIS

At the bond hearing on October 27, 2025, Judge Fisher ordered Respondent to post bond of \$4,243.50 by 5pm on November 3rd and to pay November's rent amount of \$1,125.00 by November 6th, or a Writ of Ejectment would be issued.

Because Appellant did not make his bond payment as required by S.C. Code Ann. § 27-37-130, Judge Gravely filed a Form 4, dismissing Appellant's appeal to the Greenville Circuit Court on November 9, 2025.

Because Appellant did not make his bond payment as required by S.C. Code Ann. § 27-37-130, Judge Horne issued a Writ of Ejectment on November 12, 2025.

Appellant filed his Notice of Appeal of Judge Gravely's Form 4 on November 13, 2025.

Appellant's Notice of Appeal does not act as supersedeas to stay the ejectment pursuant to Rule 241 (b)(10) SCACR.

Appellant has failed to comply with the requirements of either S.C. Code Ann. § 27-37-130 or S.C. Code Ann. § 27-40-800. He has not signed an agreement to pay rent, nor has he posted bond and he continues to occupy Respondent's property without paying rent. This is a complete circumvention of the stated purpose of S.C. Code Ann. § 27-37-130.

CONCLUSION

Based upon the foregoing, Respondent Petitions the Court to Issue a Writ of Mandamus to The Hon. Jonathan A. Horne at The West Greenville Summary Court that he send forth to the Greenville County Sherrif the November 12, 2025, Writ of Ejectment for immediate execution upon Appellant.

Respectfully Submitted, this, the 18th day of March 2026.

A handwritten signature in blue ink, appearing to read "D. Andrew Turman", written over a horizontal line.

D. Andrew Turman
SC State Bar No.: 68181
MULLEN HOLLAND & COOPER, P.A.
Attorneys for Respondent Flats at Haywood
301 South York Street / P.O. Box 488
Gastonia, NC 28053-0488
Telephone: (704) 864-675
Telecopier: (704) 861-9384

RECEIVED

Mar 18 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of March 2026, served a copy of the foregoing Respondent's Petition for a Writ of Mandamus in the foregoing civil action by directing to the following individual(s) by electronically filing via the Court's electronic filing system and/or Electronic Mail and/or United States Mail, postage paid, in a properly addressed envelope addressed as follows:

Torques Mingo
75 Mall Connector Road, Unit 203
Greenville, SC 29607
kmingo07@yahoo.com
Pro Se Appellant



D. Andrew Turman
SC State Bar No.: 68181
MULLEN HOLLAND & COOPER, P.A.
Attorneys for Respondent Flats at Haywood
301 South York Street / P.O. Box 488
Gastonia, NC 28053-0488
Telephone: (704) 864-675
Telecopier: (704) 861-9384



SOUTH CAROLINA
JUDICIAL BRANCH

STATE OF SOUTH CAROLINA
COUNTY OF _____)

IN THE MAGISTRATES COURT

RECEIVED

CASE NUMBER: Mar 18 2026

SC Court of Appeals

APPLICATION FOR EJECTMENT
(EVICTION)

COW Greenville LLC DBA Flats at Haywood
Plaintiff(s),)

v.)

Unit 203 Torques Mingo et. al.
Defendant(s).)

I, Flats at Haywood Plaintiff in this action, am the landlord-lessor of the property located at 75 mall connector rd, which is in the jurisdiction of this Magistrates Court.

A landlord-tenant relationship exists between myself and the Defendant, Torques Mingo et al, the tenant-lessee, as evidenced by the attached documentation: lease OR other written proof.

The grounds for this ejectment action are as follows: (select all that apply)

- Tenant has failed or refuses to pay rent when due or upon demand, in the amount of \$2,857.25;
- The term of tenancy or occupancy has expired;
- The terms or conditions of the lease have been violated as follows: _____.

COW Greenville LLC DBA Flats at Haywood
PLAINTIFF (or Plaintiff's Attorney/Agent)
75 mall connector rd
Address
Greenville, SC 29607
City/State/Zip
864-568-3050
Phone Number

Sworn and Subscribed before me this
____ day of _____, 20__

Magistrate or Notary Public for South Carolina

My Commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)

2025CV2310101556
CIVIL CASE NUMBER
MAGISTRATE'S COURT

~~10/10 @ 2pm~~

RULE TO VACATE OR SHOW CAUSE (EVICTION)

10/27 @ 10:15AM

Flats At Haywood

Brooke Worley

Phone: 864-568-3050

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PLAINTIFF(S)

Vs
Torques Mingo & All Occupants
75 Mall Connector Road Unit 203
Greenville, SC 29607

Mar 18 2026

Phone: 864-371-0402

SC Court of Appeals

DEFENDANT(S)

TO Torques Mingo & All Occupants : Flats At Haywood is asking this Court to evict you from the property listed above because they claim that:

- You have failed to pay rent when due or demanded in the amount of \$2,857.25.
- The terms of your tenancy or occupancy have ended.
- You have violated the terms or conditions of your lease by:

You the defendant(s) or lessee(s) of the premises located at the address listed above, **and all others**, are ordered to vacate the premises immediately pursuant to S.C. Code Ann. §27-37-10 OR contact the:

West Greenville Summary Court
301 University Ridge, S-T600
Greenville, SC 29601
(864) 467-4640

within ten (10) days of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

09/18/2025

Jamilton A. Henry
Judge, West Greenville Summary Court

Personally appeared before me, the undersigned deponent, being duly sworn, , says s/he is a person over 18 years of age, not a party or attorney in this action and s/he to serve the Rule to Vacate or Show Cause on Torques Mingo & All Occupants on the following dates/times:

DATE	TIME	INITIALS	DATE OF SERVICE	TIME OF SERVICE
1. 9/19	1PM	JD	9-22	11:30
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT

Posted

Sworn to and subscribed before me
This _____ day of _____, 20____.

[Signature]

NOTARY PUBLIC OR JUDGE

SIGNATURE OF SERVER

ON _____ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT.

MAGISTRATE'S CLERK

Issue writ Must vacate or pay
on 10-16-25 if does not pay by 5:00 pm on or
Placntiff To Call before 10-15-25.
kaylee Respondent's Exhibit C

MV220
SCCA/733A (Amended 11/2019)

07

25 OCT 17 PM 4:22
IN COMMON PLEAS COURT

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Tarques Mingo
APPELLANT(S)

VS.

Flak At Haywood
RESPONDENT(S)

COMMON PLEAS CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

The Appellant(s) hereby gives notice of appeal from the judgment of the Magistrate's Court in the above action, to the Circuit Court of Common Pleas, in the county of Greenville.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 17 day of October, 2025.

The appellant's exceptions to the judgment of the Magistrate are set forth as follows:

Please See Attached

10-17-2025
Date

Tarques Mingo
Appellant (or attorney)

STATE OF SOUTH CAROLINA,
COUNTY OF GREENVILLE

)
)
IN THE SUMMARY COURT,
THIRTEENTH JUDICIAL CIRCUIT

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TORQUES MINGO

Mar 18 2026

2025-CP-23-06831
CASE: 2025CV2310101556

vs.

SC Court of Appeals

FLATS AT HAYWOOD

)
)
MAGISTRATE RETURN & DISMISSAL

On September 18, 2025 the Flats at Haywood commenced an eviction action against Mr. Mingo for failure to pay rent when due or demanded. The arears amount was \$2,857.25 at the time of filing. After two unsuccessful personal service attempts, the Rule to Vacate or Show Cause was posted at Mr. Mingo's residence and a copy was mailed. Mr. Mingo requested a hearing and on October 10 the Hon. Darrell S. Fisher presided and ordered Mr. Mingo to vacate or pay the balance in full by October 15 or the Writ of Ejectment would be issued.

Mr. Mingo appealed the Court's decision and a Bond Hearing was held on October 27. The Hon. Darrell S. Fisher ordered Mr. Mingo to pay the current rental arears of \$4,243.50 by 5pm on Monday, November 3 and November's rent amount of \$1,125.00 by November 6. To date Mr. Mingo hasn't paid the bond or rent as ordered by this Court and this Court respectfully asks for Mr. Mingo's appeal to be dismissed.

Respectfully submitted,

Jonathan A. Horne

The Hon. Jonathan A. Horne,
West Greenville Summary Court

This 7th day of November, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
)

2025CV2310101556
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Flats At Haywood

PLAINTIFF(S)

Vs
Torques Mingo & All Occupants
75 Mall Connector Road Unit 203
Greenville, SC 29607

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

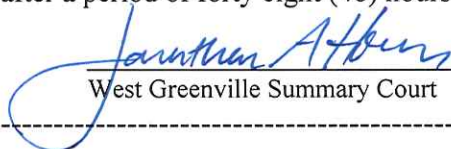
Upon Judgment of this Court, rendered on the 10th day of October, 2025, you are hereby Ordered to proceed to the premises located at **75 Mall Connector Road Unit 203 Greenville, SC 29607.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, **a deputy sheriff may enter the premises** using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

November 12, 2025



West Greenville Summary Court

_____, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit
- On _____ 20____, at _____ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: _____, 20____

Sheriff/Deputy Sheriff/Constable

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP2306831

Torques Mingo
PLAINTIFF(S)

Flats At Haywood
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other Appellant failed to satisfy bond

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Appellant failed to satisfy the terms of the appeal bond. At the request of the Magistrate's Court, this appeal is hereby dismissed.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/09/2025 .

Flats At Haywood for Flats At Haywood
West Greenville Summary Court
Torques Mingo for Torques Mingo
Flats At Haywood for Flats At Haywood
Torques Mingo for Torques Mingo

RECEIVED

Mar 18 2026

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

RECEIVED

Nov 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely
Greenville County Circuit Judge

Magistrate Case No: 2025-cv-23-1010-1556
Common Pleas Case No. 2025-CP-23-6831

FILED: 25NOV14AM11:51
COC JAY GRESHAM GUL SC

Flats At Haywood

Respondent,

v.

Torgues Mingo

Appellant.

NOTICE OF APPEAL

I, Torgues Mingo, hereby appeals the order of the Honorable Perry H. Gravely, the Greenville County Circuit Judge, Appellant received written notice of this Order on November 12, 2025

November 13, 2025

s/Torgues Mingo
Torgues Mingo
75 Mall Connector Rd Unit 203
Greenville, South Carolina 29607
Appellant-Pro se

Brooke

SB 8- 3050

(3047)

Court of appeals: 2025-002298

Respondent's Exhibit H

Shelby Spencer S.Spencer@sccourts.org
803-734-1890



HOME > RESOURCES > JUDICIAL COMMUNITY > COURT RULES > APPELLATE > RULE 241

Court Rules

Refer to Section B
No Motion to Stay
filed.

[← BACK TO COURT RULES](#)

[←](#) [PREV](#) [NEXT](#) [→](#)

RULE 241

STAY AND SUPERSEDEAS IN CIVIL ACTIONS

(a) General Rule. As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

(b) Exceptions. The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:

Respondent's Exhibit I

- (1) Money judgments as provided in S.C. Code Ann. § 18-9-130.
- (2) Judgments directing the assignment or delivery of documents or personal property as provided in S.C. Code Ann. § 18-9-150.
- (3) Judgments directing the execution of conveyances or other instruments as provided in S.C. Code Ann. § 18-9-160.
- (4) Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.
- (5) Judgments directing the sale of perishable property as provided in S.C. Code Ann. § 18-9-220.
- (6) Family court orders regarding a child or requiring payment of support for a spouse or child as provided in S.C. Code Ann. § 63-3-630.
- (7) Worker's compensation awards as provided in S.C. Code Ann. § 42-17-60.
- (8) An appeal from an order granting an injunction or temporary restraining order.
- (9) Family court orders awarding temporary suit costs or attorney's fees as provided in S.C. Code Ann. § 63-3-530(A)(2).
- (10) Ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800.
- (11) Appeals from administrative tribunals as provided in S.C. Code Ann. § 1-23-380(A)(2) and § 1-23-600 (G)(5).

(c) Supersedeas or Lifting of Automatic Stay.

Respondent's Exhibit I

(1) After service of notice of appeal, any party may move for an order lifting the automatic stay in cases which involve the general rule. In a case subject to an exception, any party may move for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal. The effect of the granting of a supersedeas is to suspend or stay the matters decided in the order, judgment, decree or decision on appeal and, where a prior order or decision was in effect at the time the appealed order, judgment, decree or decision was filed, to revive the terms of the prior order or decision.

(2) In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.

(3) The granting of supersedeas or the lifting of the automatic stay under this Rule may be conditioned upon such terms, including but not limited to the filing of a bond or undertaking, as the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may deem appropriate. Further, where it appears that the granting or lifting of a stay, or the issuance of a writ of supersedeas is insufficient to afford complete relief, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may order other affirmative relief upon such terms as are deemed appropriate.

(4) If an order is issued pursuant to Rule 241(c)(1), the terms of that order continue in effect during the pendency of the appeal unless modified or revoked by the lower court, the administrative tribunal or the appellate court or judge or justice of the appellate court which issued it, or by a superior court. The granting of any relief pursuant to this Rule shall not be construed to affect the

validity of the judgment, order, decree, decision and any liens until the judgment, order, decree or decision is reversed or modified by the appellate court.

(d) Procedure for Obtaining Lift of Stay or Supersedeas.

(1) Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal. The issuance of an ex parte order or decision, or an unnecessary delay by the lower court or administrative tribunal in ruling on this application shall constitute an extraordinary circumstance.

(2) After the lower court or administrative tribunal has ruled, any party may petition the appellate court where the appeal is pending for review of this order. An individual judge or justice may grant or deny the relief on a temporary basis, and refer the matter to the full appellate court to hear and determine the matter, or he or she may issue a final order. Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.

(3) A person seeking an order lifting an automatic stay or granting a writ of supersedeas must file a written petition verified by the client. The petition shall be captioned the same as the appeal. In addition to the petition and verification, the moving party must contemporaneously file a certified copy of the order, judgment, decree or decision of the lower court or administrative tribunal and a copy of the notice of appeal with its proof of service.

(4) The petition shall contain:

(A) the factual background necessary for an understanding of the petition. If the facts are subject to dispute, the petition shall be supported by affidavits or

other sworn statements;

(B) the grounds for the petition, and legal arguments with supporting points and authority;

(C) a showing that an application for this relief was made to the lower court or administrative tribunal, and was unjustifiably denied or that the relief granted failed to afford the relief which the petitioner requested. A certified copy of the lower court's or administrative tribunal's ruling must be included. If no application was made to the lower court or administrative tribunal, then the petition shall state the extraordinary circumstances which made it impracticable to make such an application.

(5) The petition and accompanying documents shall be served on the opposing party(ies) and filed with the clerk of the appellate court together with proof of service.

(6) A supersedeas or order lifting the automatic stay may be issued *ex parte* only where exigent circumstances require that action be taken before there is time for a hearing. An *ex parte* order shall issue only if:

(A) it clearly appears from specific facts shown by affidavits or included in the verified petition that immediate and irreparable injury, loss or damage will result before the opposing party can respond; and

(B) the moving party's attorney certifies in writing, as an officer of the court, the efforts which have been made to give notice, or the reasons supporting the claim that notice should not be required.

(7) Any party aggrieved by the decision of the lower court, the administrative tribunal, or an individual judge or justice may petition under this Rule for a review of that decision.

Respondent's Exhibit I

Last amended by Order dated April 30, 2024.

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[ACCESSIBILITY](#)

[RELEASE NOTES](#)

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EMAIL NOTIFICATION SIGN-UP

[OUR MISSION](#)

To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.



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Respondent's Exhibit I

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FLATS AT HAYWOOD,
Plaintiff-Respondent,

vs.

Torques Mingo,
Defendant-Appellant.

IN THE MAGISTRATE'S COURT

CIVIL CASE NO.: 2025cv2310101556
APPELLATE CASE NO.: 2025-002298

**MOTION TO ENFORCE WRIT OF
EJECTMENT**

**TO: TORQUES MINGO
75 MALL CONNECTOR ROAD, UNIT 203
GREENVILLE, SC 29607**

PLEASE TAKE NOTICE that the undersigned attorneys for Plaintiff Flats at Haywood move this Court to enforce the Writ of Ejectment issued on November 12, 2025.

BACKGROUND

Defendant is a tenant of Plaintiff, residing at 75 Mall Connector Road, Unit 203, Greenville, SC 29607.

Plaintiff, The Flats at Haywood, is an apartment complex located at 75 Mall Connector Road, Greenville, SC 29607, with its office located at 245 West Main Avenue, Gastonia, NC 28052.

On September 18, 2025, Plaintiff commenced an eviction action against Defendant for failure to pay rent when due or demanded. The arrears amount alleged was \$2,857.25 at the time of filing. After two unsuccessful personal service attempts, the Rule to Vacate or Show Cause was posted at Defendant's residence and a copy was mailed. Defendant requested a hearing which was held on October 10th, the Hon. Darrell S. Fisher presiding. Judge Fisher ordered

Respondent's Exhibit J

Defendant to vacate or pay the balance in full by October 15th or a Writ of Ejectment would be issued. (Ex. A)

Defendant appealed the Court's decision to the Circuit Court, and a Bond Hearing was held on October 27, 2025, before Magistrate Judge, The Hon. Jonathan A. Horne. Judge Horne ordered Defendant to pay the current rental arrears of \$4,243.50 by 5 pm on November 3rd and November's rent amount of \$1,125.00 by November 6th or a Writ of Ejectment would be issued. (Ex. B)

Magistrate Judge, The Hon. Jonathan A. Horne, signed a Writ of Ejectment on November 12, 2025. (Ex. C)

Defendant failed to make his bond payment and The Hon. Perry H. Gravely issued an Order/Form 4 dismissing Defendant's appeal to the Circuit Court on November 13, 2025. (Ex. D)

Defendant appealed Judge Gravely's Order to the Court of Appeals on November 13, 2025. (Ex. E)

Defendant has continued to occupy Unit 203 of Plaintiff's complex and continues to not pay rent. (Ex. F, Respondent's affidavit)

STATEMENT OF LAW

Rule 241 (b)(10) SCACR holds that ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800, are an exception to the general rule that service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.

S.C. Code Ann. § 27-37-130 dictates:

An appeal in an ejectment case will not stay ejectment unless at the time of appealing the tenant shall give an appeal bond as in other civil cases for an amount to be fixed by the magistrate and conditioned for the payment of all costs and damages which the landlord may sustain thereby. In the event the tenant shall fail to file the bond herein required within five days after service of the notice of appeal such appeal shall be dismissed by the trial magistrate. S.C. Code Ann. § 27-37-130 (2024)

S.C. Code Ann. § 27-40-800 dictates:

(b) It is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by the magistrate in accordance with Section 27-40-780, as it becomes due periodically after the judgment was entered. Any magistrate, clerk, or circuit court judge shall order a stay of execution upon the undertaking. S.C. Code Ann. § 27-40-800 (b) (2024)

ANALYSIS

Because Defendant did not make his bond payment, under S.C. Code Ann. § 27-37-130, Defendant's notice of appeal should not have stayed the ejectment pursuant to Rule 241 (b)(10) SCACR. However, Plaintiff was informed by The Summary Court that they could not enforce the Writ of Ejectment while this matter remained under appeal.

At the bond hearing on October 27, 2025, Judge Fisher ordered Plaintiff to post the bond of \$4,243.50 by 5pm on November 3rd and to pay November's rent amount of \$1,125.00 by November 6th, or a Writ of Ejectment would be issued. Defendant never posted bond nor has he paid any rent since the commencement of this action.

In response to Defendant's appeal of his October 15, 2025, Order to the Circuit Court, Judge Fisher filed with the court a request for dismissal due to Defendant failing to post bond or pay rent pursuant to his October 27th Order.

On November 9, 2025, the Hon. Perry H. Gravely, Chief Administrative Judge, Civil, filed a Form 4, dismissing Defendant's appeal to the Circuit Court.

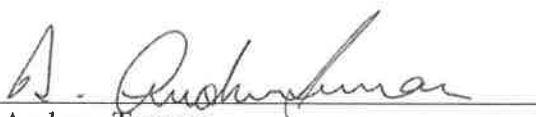
Though this matter is before this Court on Defendant's appeal from Judge Gravely's Form 4, Defendant has failed to comply with either S.C. Code Ann. § 27-37-130 or S.C. Code Ann. § 27-40-800. Defendant has not signed an agreement to pay rent, nor has he posted bond and he continues to occupy Plaintiff's property without paying rent.

Within the Magistrate Court file is a copy of Rule 241 SCRAR sent by Shelby Spencer from the Court of Appeals, instructing this court "refer to Section B, no motion to stay filed."

(Ex. G)

Based upon the foregoing, Plaintiff respectfully prays for an Order directing the Summary Court to issue and enforce the Writ of Ejectment against Defendant.

Respectfully Submitted, this, the 24th day of February 2026.

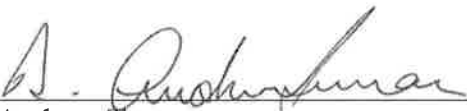


D. Andrew Turman
SC State Bar No.: 68181
MULLEN HOLLAND & COOPER, P.A.
Attorneys for Plaintiff Flats at Haywood
301 South York Street / P.O. Box 488
Gastonia, NC 28053-0488
Telephone: (704) 864-675
Telecopier: (704) 861-9384

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of February 2026, served a copy of the foregoing Motion to Enforce Writ of Ejectment in the foregoing civil action by directing to the following individual(s) by electronically filing via the Court's electronic filing system and/or Electronic Mail and/or United States Mail, postage paid, in a properly addressed envelope addressed as follows:

Torques Mingo
75 Mall Connector Road, Unit 203
Greenville, SC 29607
kmingo07@yahoo.com
Pro Se Defendant



D. Andrew Turman
SC State Bar No.: 68181
MULLEN HOLLAND & COOPER, P.A.
Attorneys for Plaintiff Flats at Haywood
301 South York Street / P.O. Box 488
Gastonia, NC 28053-0488
Telephone: (704) 864-675
Telecopier: (704) 861-9384

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)

2025CV2310101556 ~~10/10 @ 2pm~~
CIVIL CASE NUMBER
MAGISTRATE'S COURT
RULE TO VACATE OR SHOW CAUSE (EVICTION)

10/27 @ 10:15AM

Flats At Haywood

Brooke Worley

Phone: 864-568-3050

PLAINTIFF(S)

Vs
Torques Mingo & All Occupants
75 Mall Connector Road Unit 203
Greenville, SC 29607

Phone: 864-371-0402

DEFENDANT(S)

TO Torques Mingo & All Occupants : Flats At Haywood is asking this Court to evict you from the property listed above because they claim that:

- You have failed to pay rent when due or demanded in the amount of \$2,857.25.
- The terms of your tenancy or occupancy have ended.
- You have violated the terms or conditions of your lease by:

You the defendant(s) or lessee(s) of the premises located at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code Ann. §27-37-10 OR contact the:

West Greenville Summary Court
301 University Ridge, S-T600
Greenville, SC 29601
(864) 467-4640

within ten (10) days of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

09/18/2025

Janet A. Housh
Judge, West Greenville Summary Court

Personally appeared before me, the undersigned deponent, being duly sworn. . . says s/he is a person over 18 years of age, not a party or attorney in this action and s/he to serve the Rule to Vacate or Show Cause on Torques Mingo & All Occupants on the following dates/times:

DATE	TIME	INITIALS	DATE OF SERVICE	TIME OF SERVICE
1. 9/19	1PM	(JD)	9/22	11:30
2. _____	_____	_____	SETTLED/DATE _____	VACANT/DATE _____
3. _____	_____	_____	PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT <u>Posted</u>	

Sworn to and subscribed before me
This _____ day of _____, 20____.

NOTARY PUBLIC OR JUDGE

SIGNATURE OF SERVER

[Signature]

ON _____ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT.

MAGISTRATE'S CLERK

Issue writ on 10-16-25 if does not pay. Must vacate or pay by 5:00 pm on or before 10-15-25.
Plaintiff To Call before 10-15-25.
Plaintiff's Exhibit A
Respondent's Exhibit J
kaylee

MV220
SCCA/733A (Amended 11/2019)

[Signature]

STATE OF SOUTH CAROLINA,)
COUNTY OF GREENVILLE)
)
)
TORQUES MINGO)
)
vs.)
)
FLATS AT HAYWOOD)

IN THE SUMMARY COURT,
THIRTEENTH JUDICIAL CIRCUIT

2025-CP-23-06831
CASE: 2025CV2310101556

MAGISTRATE RETURN & DISMISSAL

On September 18, 2025 the Flats at Haywood commenced an eviction action against Mr. Mingo for failure to pay rent when due or demanded. The arears amount was \$2,857.25 at the time of filing. After two unsuccessful personal service attempts, the Rule to Vacate or Show Cause was posted at Mr. Mingo's residence and a copy was mailed. Mr. Mingo requested a hearing and on October 10 the Hon. Darrell S. Fisher presided and ordered Mr. Mingo to vacate or pay the balance in full by October 15 or the Writ of Ejectment would be issued.

Mr. Mingo appealed the Court's decision and a Bond Hearing was held on October 27. The Hon. Darrell S. Fisher ordered Mr. Mingo to pay the current rental arears of \$4,243.50 by 5pm on Monday, November 3 and November's rent amount of \$1,125.00 by November 6. To date Mr. Mingo hasn't paid the bond or rent as ordered by this Court and this Court respectfully asks for Mr. Mingo's appeal to be dismissed.

Respectfully submitted,

Jonathan A. Horne

The Hon. Jonathan A. Horne,
West Greenville Summary Court

This 7th day of November, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
)

2025CV2310101556
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WRIT OF EJECTMENT

Flats At Haywood

PLAINTIFF(S)

Vs
Torques Mingo & All Occupants
75 Mall Connector Road Unit 203
Greenville, SC 29607

DEFENDANT(S)

TO THE SHERIFF/MAGISTRATE'S CONSTABLE:

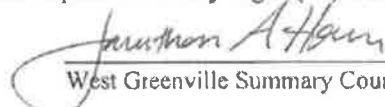
Upon Judgment of this Court, rendered on the 10th day of October, 2025, you are hereby Ordered to proceed to the premises located at **75 Mall Connector Road Unit 203 Greenville, SC 29607.**

Announce your identity and purpose and serve on the defendant(s) and all occupants a copy of this Writ of Ejectment. Inform them they have **twenty four (24) hours to voluntarily vacate** the premises. **If the premises appear unoccupied and no one responds** to your announced identity and purpose, the Writ of Ejectment shall be served by securely attaching a copy of the Writ in a conspicuous place on the premises.

If after 24 hours following the service or posting of the Writ, the occupants have not voluntarily vacated the premises, a deputy sheriff may enter the premises using only as much force as is necessary to effectuate the Ejectment.

Upon gaining access, you shall **remove from the premises any occupants and all items of personal property found on the premises. Such property may be deposited beside the public street or roadway.** All personal property removed from the premises and placed on a public street or roadway may be removed by the proper local government agency after forty eight (48) hours, excluding Saturdays, Sundays, and holidays. Such property may also be removed in the normal course of debris or trash collection before or after a period of forty eight (48) hours.

November 12, 2025


West Greenville Summary Court

_____, being duly sworn state that:

- I personally served a copy of this Writ on _____, an occupant of the rental unit
- On _____ 20____, at _____ the rental unit appeared unoccupied and no one responded when I announced my identity and intentions. I attached a copy of this Writ to a conspicuous part of the premise.
- On _____ 20____, at _____, which was not less than 24 hours from the posting date and time, I returned to the rental unit for the purpose of ejectment.
- Under my supervision, I had all persons and personal property removed and evicted from the rental unit placing all personal property beside the roadside.
- The rental unit was unoccupied. The Tenant and all occupants had vacated the unit.
- Informed by Plaintiff that case is settled.

Date: _____, 20____

Sheriff/Deputy Sheriff/Constable

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP2306831

Torques Mingo
PLAINTIFF(S)

Flats At Haywood
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other Appellant failed to satisfy bond

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Appellant failed to satisfy the terms of the appeal bond. At the request of the Magistrate's Court, this appeal is hereby dismissed.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/09/2025.

Flats At Haywood for Flats At Haywood
West Greenville Summary Court
Torques Mingo for Torques Mingo
Flats At Haywood for Flats At Haywood
Torques Mingo for Torques Mingo

RECEIVED
Nov 13 2025
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2025 Nov 12 10:24 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2306831

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ELECTRONICALLY FILED - 2025 Nov 12 10:24 AM - GREENVILLE - COMMON PLEAS - CASE#2025CP2306831

RECEIVED

Nov 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely
Greenville County Circuit Judge

Magistrate Case No: 2025-cv-23-1010-1556
Common Pleas Case No. 2025-CP-23-6831

FILED: 25NOV14AM11:51
COC JAY GRESHAM GUL SC

Flats At Haywood

Respondent,

v.

Torgues Mingo

Appellant.

NOTICE OF APPEAL

I, Torgues Mingo, hereby appeals the order of the Honorable Perry H. Gravely, the Greenville County Circuit Judge, Appellant received written notice of this Order on November 12, 2025

November 13, 2025

s/Torgues Mingo
Torgues Mingo
75 Mall Connector Rd Unit 203
Greenville, South Carolina 29607
Appellant-Pro se

Booke

SB 8- 3050

(3047)

Court of appeals: 2025-002298

Plaintiff's Exhibit E
Respondent's Exhibit J

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THE THIRTEENTH JUDICIAL CIRCUIT

APPELLATE CASE NO.: 2025-002298

TORQUES MINGO,

Appellant,

vs.

AFFIDAVIT OF BROOKE WORLEY

FLATS AT HAYWOOD,

Respondent.

NOW COMES Brooke Worley and, being first duly sworn, hereby affirms as follows:

1. My name is Brooke Worley ("Affiant"). I am over eighteen (18) years of age, competent to testify, and make this Affidavit on personal knowledge.
2. I am employed by Flats at Haywood as the Property Manager and as such am familiar with this matter.
3. Torques Mingo is a tenant of the Flats at Haywood Apartments and currently resides at 75 Mall Connector Road, Unit 203, Greenville, SC 29607 ("the Property").
4. On September 18, 2025 the Flats at Haywood commenced an eviction action against Torques Mingo for failure to pay rent when due or demanded.
5. On October 10, 2025, the Honorable Darrell S. Fisher ordered Torques Mingo to vacate or pay the arrears in full no later than October 15, 2025.
6. Torques Mingo appealed the Court's decision and a Bond Hearing was held on October 27, 2025.
7. At the October 27, 2025 Bond Hearing, the Honorable Darrell S. Fisher ordered Torques Mingo to pay the current rental arrears of \$4,243.50 by 5 pm on Monday, November 3, 2025 and November's rent amount of \$1,125.00 by November 6, 2025.
8. To date, Torques Mingo has not vacated the Property or paid the bond nor made any rent payments.

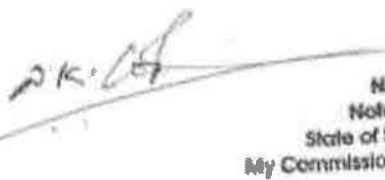


Brooke Worley
2/17/26

SC02-41
102745780
Checked by
By [unclear]

Plaintiff's Exhibit F

Respondent's Exhibit J



H.K.GOR
Notary Public
State of South Carolina
My Commission Expires 12/13/2033

10/2026

Shelby Spencer SSpencer@sccourts.org
803-734-1890



HOME > RESOURCES > JUDICIAL COMMUNITY > COURT RULES > APPELLATE > RULE 241

Court Rules

Refer to Section B
No Motion to Stay
filed.

◀ BACK TO COURT RULES

◀ PREV NEXT ▶

RULE 241

STAY AND SUPERSEDEAS IN CIVIL ACTIONS

(a) General Rule. As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

(b) Exceptions. The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:

- (1) Money judgments as provided in S.C. Code Ann. § 18-9-130.
 - (2) Judgments directing the assignment or delivery of documents or personal property as provided in S.C. Code Ann. § 18-9-150.
 - (3) Judgments directing the execution of conveyances or other instruments as provided in S.C. Code Ann. § 18-9-160.
 - (4) Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.
 - (5) Judgments directing the sale of perishable property as provided in S.C. Code Ann. § 18-9-220.
 - (6) Family court orders regarding a child or requiring payment of support for a spouse or child as provided in S.C. Code Ann. § 63-3-630.
 - (7) Worker's compensation awards as provided in S.C. Code Ann. § 42-17-60.
 - (8) An appeal from an order granting an injunction or temporary restraining order.
 - (9) Family court orders awarding temporary suit costs or attorney's fees as provided in S.C. Code Ann. § 63-3-530(A)(2).
 - (10) Ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800.
 - (11) Appeals from administrative tribunals as provided in S.C. Code Ann. § 1-23-380(A)(2) and § 1-23-600 (G)(5).
- (c) Supersedeas or Lifting of Automatic Stay.**

(1) After service of notice of appeal, any party may move for an order lifting the automatic stay in cases which involve the general rule. In a case subject to an exception, any party may move for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal. The effect of the granting of a supersedeas is to suspend or stay the matters decided in the order, judgment, decree or decision on appeal and, where a prior order or decision was in effect at the time the appealed order, judgment, decree or decision was filed, to revive the terms of the prior order or decision.

(2) In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.

(3) The granting of supersedeas or the lifting of the automatic stay under this Rule may be conditioned upon such terms, including but not limited to the filing of a bond or undertaking, as the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may deem appropriate. Further, where it appears that the granting or lifting of a stay, or the issuance of a writ of supersedeas is insufficient to afford complete relief, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may order other affirmative relief upon such terms as are deemed appropriate.

(4) If an order is issued pursuant to Rule 241(c)(1), the terms of that order continue in effect during the pendency of the appeal unless modified or revoked by the lower court, the administrative tribunal or the appellate court or judge or justice of the appellate court which issued it, or by a superior court. The granting of any relief pursuant to this Rule shall not be construed to affect the

validity of the judgment, order, decree, decision and any liens until the judgment, order, decree or decision is reversed or modified by the appellate court.

(d) Procedure for Obtaining Lift of Stay or Supersedeas.

(1) Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal. The issuance of an ex parte order or decision, or an unnecessary delay by the lower court or administrative tribunal in ruling on this application shall constitute an extraordinary circumstance.

(2) After the lower court or administrative tribunal has ruled, any party may petition the appellate court where the appeal is pending for review of this order. An individual judge or justice may grant or deny the relief on a temporary basis, and refer the matter to the full appellate court to hear and determine the matter, or he or she may issue a final order. Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.

(3) A person seeking an order lifting an automatic stay or granting a writ of supersedeas must file a written petition verified by the client. The petition shall be captioned the same as the appeal. In addition to the petition and verification, the moving party must contemporaneously file a certified copy of the order, judgment, decree or decision of the lower court or administrative tribunal and a copy of the notice of appeal with its proof of service.

(4) The petition shall contain:

(A) the factual background necessary for an understanding of the petition. If the facts are subject to dispute, the petition shall be supported by affidavits or

other sworn statements;

(B) the grounds for the petition, and legal arguments with supporting points and authority;

(C) a showing that an application for this relief was made to the lower court or administrative tribunal, and was unjustifiably denied or that the relief granted failed to afford the relief which the petitioner requested. A certified copy of the lower court's or administrative tribunal's ruling must be included. If no application was made to the lower court or administrative tribunal, then the petition shall state the extraordinary circumstances which made it impracticable to make such an application.

(5) The petition and accompanying documents shall be served on the opposing party(ies) and filed with the clerk of the appellate court together with proof of service.

(6) A supersedeas or order lifting the automatic stay may be issued *ex parte* only where exigent circumstances require that action be taken before there is time for a hearing. An *ex parte* order shall issue only if:

(A) it clearly appears from specific facts shown by affidavits or included in the verified petition that immediate and irreparable injury, loss or damage will result before the opposing party can respond; and

(B) the moving party's attorney certifies in writing, as an officer of the court, the efforts which have been made to give notice, or the reasons supporting the claim that notice should not be required.

(7) Any party aggrieved by the decision of the lower court, the administrative tribunal, or an individual judge or justice may petition under this Rule for a review of that decision.

Last amended by Order dated April 30, 2024.

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ACCESSIBILITY

RELEASE NOTES

STAY INFORMED

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EMAIL NOTIFICATION SIGN-UP

OUR MISSION

To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.



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Plaintiff's Exhibit G

Respondent's Exhibit J

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THE THIRTEENTH JUDICIAL CIRCUIT

APPELLATE CASE NO.: 2025-002298

TORQUES MINGO,

Appellant,

vs.


AFFIDAVIT OF BROOKE WORLEY


FLATS AT HAYWOOD,

Respondent.

NOW COMES Brooke Worley and, being first duly sworn, hereby affirms as follows:

1. My name is Brooke Worley ("Affiant"). I am over eighteen (18) years of age, competent to testify, and make this Affidavit on personal knowledge.
2. I am employed by Flats at Haywood as the Property Manager and as such am familiar with this matter.
3. Torques Mingo is a tenant of the Flats at Haywood Apartments and currently resides at 75 Mall Connector Road, Unit 203, Greenville, SC 29607 ("the Property").
4. On September 18, 2025 the Flats at Haywood commenced an eviction action against Torques Mingo for failure to pay rent when due or demanded.
5. On October 10, 2025, the Honorable Darrell S. Fisher ordered Torques Mingo to vacate or pay the arrears in full no later than October 15, 2025.
6. Torques Mingo appealed the Court's decision and a Bond Hearing was held on October 27, 2025.
7. At the October 27, 2025 Bond Hearing, the Honorable Darrell S. Fisher ordered Torques Mingo to pay the current rental arrears of \$4,243.50 by 5 pm on Monday, November 3, 2025 and November's rent amount of \$1,125.00 by November 6, 2025.
8. To date, Torques Mingo has not vacated the Property or paid the bond nor made any rent payments.


Brooke Worley (← sock # 102743780)
2/17/26
Checked by notary


2/17/2026

BLK.GOR
Notary Public
State of South Carolina
My Commission Expires 12/13/2033

Respondent's Exhibit K