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Apr 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Appellate Case No. 2026-000039
Case No. 2025-CP-18-02686

Sharon Johnson,

Appellant,

v.

SS Lake City 168, LLC, and
Summerville Station Apartments,
Defendants, of which Summerville
Station Apartments is the Respondent.

Respondent.

MOTION FOR DISMISSAL, OR, IN THE ALTERNATIVE, MOTION TO SET BOND TO
STAY HEARING PURSUANT TO S.C. CODE § 27-40-800(f)(1)

PLEASE TAKE NOTICE, Respondent SS Lake City 168 LLC d/b/a Summerville Station Apartments (hereinafter “Respondent”), by and through undersigned counsel, will move before this Court, to grant the Respondent’s Motion to dismiss the Appeal filed by Appellant Sharon Johnson (hereinafter “Appellant”), or in the alternative, direct the Dorchester County Circuit Court to hold a bond to stay hearing as soon as feasible, pursuant to S.C. Code § 27-40-800(f)(1). In support of these Motions, Respondent presents to the Court as follows:

PROCEDURAL HISTORY

1. On or about November 21, 2025, the Summerville Magistrate Court issued a Writ of Ejectment against Appellant.

2. On or about November 25, 2025, Appellant filed a Notice of Appeal with the Dorchester County Circuit Court.
3. On or about December 4, 2025, a Bond To Stay Execution on Appeal hearing was held which resulted in the Summerville Magistrate Court requiring Appellant to pay bond in order to stay the previously issued Writ.
4. On or about December 19, 2025, the Summerville Magistrate Court dismissed Appellant's Appeal as a result of failing to provide the appeal bond or pay periodic rent as due pursuant to the bond order. Thereafter, the Dorchester County Circuit Court issued a Form 4 Order on or about December 30, 2026, memorializing the Magistrate's Court dismissal of Appellant's Appeal.
5. As a result of the dismissal of appeal, on or about January 7, 2026, the Summerville Magistrate Court reissued the Writ of Ejectment against Appellant.
6. Thereafter, on or about January 7, 2026, Appellant filed a Notice of Appeal of the reissued Writ and Motion to Stay with the South Carolina Court of Appeals (hereinafter "SCCOA"). Appellant's Motion to Stay states, "I Sharon Johnson is doing [*sic*] a Motion To Stay to get the money."
7. On or about March 3, 2026, this Court issued an Order dismissing Appellant's Appeal due to Appellant's failure to comply with the deficiencies identified in the Court's prior deficiency letters.
8. On or about March 16, 2026, Appellant filed a document with this Court bearing no title that states, "I Sharon Johnson is requesting to reopen my Appeal with Summerville Station I did [*sic*] get paperwork back in time because I had death in my family."

9. On or about March 19, 2026, this Court “construe[d]” the document filed by Appellant as a Motion to Reinstate the Appeal and identified additional deficiencies that needed to be corrected within ten (10) days.
10. More than ten days have passed since the SCCOA issued their March 19, 2026 letter and has not made any further ruling.

MOTION FOR DISMISSAL OF APPEAL

Upon review of the relevant provisions of the South Carolina Appellate Court Rules (hereinafter “SCACR”), it is apparent that Appellant’s appeal before the South Carolina Court of Appeals necessitates immediate dismissal.

Rule 221(a), SCACR in relevant part states: “A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court.” Rule 221(a), SCACR.

Rule 260(a), SCACR, in relevant part states:

Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded). Rule 260(a), SCACR.

First, it is apparent that this Court did not strictly adhere to Rule 221(a), which requires a party to file a Motion for Rehearing with particularity identifying the points that the SCCOA allegedly overlooked or misapprehended. Instead, the SCCOA “construe[d]” Appellant’s untitled document as a Motion for Rehearing that simply requests the Court to “reopen” the Appeal based on a death in the family. While Respondent is sympathetic to a death in Appellant’s family, this does not detract from the fact that Appellant has failed to identify with particularity the specific

matters or issues that the SCCOA has misinterpreted or misunderstood in the procedural history of this case.

Finally, and most importantly, because Appellant has not corrected the deficiencies identified in the Court's March 19, 2026 deficiency letter, this Court is required pursuant to Rule 260(a) to dismiss the appeal, as those deficiencies remain uncorrected.

MOTION TO SET BOND TO STAY HEARING

Pursuant to S.C. Code § 27-40-800(f)(1), if the Court is inclined to grant Appellant's Motion for Rehearing, a bond must be set before this case may proceed. The statute is intended to prevent precisely the type of ongoing prejudice that Respondent is currently experiencing. Each additional day that the appeal remains pending before this Court, Respondent suffers continual harm. During the pendency of this appeal, Appellant continues to enjoy the benefit of residential occupancy while Respondent bears the full financial burden associated with Appellant's continued possession. As a direct and proximate result, Respondent is deprived of rental income on a daily basis and is incurring losses of hundreds of dollars per week, losses that may never be fully recouped even if the appeal is ultimately dismissed.

The continued pendency of this appeal effectively operates as a *de facto* stay of the Writ of Ejectment, originally issued against Appellant by the Summerville Magistrate Court on November 21, 2025. This stay benefits Appellant despite their failure to prosecute their appeal and comply with the South Carolina Appellate Court Rules. The legislature enacted § 27-40-800 to ensure that communities could receive rental income while residents' appeals proceed, sometimes for months or years. The ongoing delay in this matter undermines that statutory purpose and exacerbates Respondent's financial losses.

Accordingly, Respondent respectfully requests that if the Court considers granting Appellant's Motion for Rehearing, the Court require Appellant to post a bond sufficient to protect Respondent against ongoing financial losses, as authorized by S.C. Code § 27-40-800(f)(1), before any further proceedings continue.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court dismiss Appellant's appeal in its entirety. Appellant has repeatedly failed to comply with the South Carolina Appellate Court Rules, has not demonstrated good cause for reinstatement, and has failed to articulate any legally cognizable basis for overturning the Magistrate Court's Writ of Ejectment. In the alternative, should the Court be inclined to reinstate Appellant's appeal, Respondent respectfully requests that the Court order the Dorchester County Circuit Court to conduct a bond-to-stay hearing at the earliest practicable date pursuant to S.C. Code § 27-40-800(f)(1), so that Respondent may be protected against the continuing and irreparable financial harm caused by Appellant's ongoing occupancy without payment.

Respectfully Submitted,

BROWNLEE WHITLOW & PRAET, PLLC

s/ Eric G. Pettis _____
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April 13, 2026
North Charleston, SC

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Cheryl L. Graham, Clerk of Court

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Case No. 2025-CP-18-02686

Sharon Johnson, Appellant,

v.

SS Lake City 168, LLC and Respondent.
Summerville Station
Apartments, Defendants, of
which Summerville Station
Apartments is the Respondent.

PROOF OF SERVICE

I certify that I have served the **Motion for Dismissal, Or, In the Alternative, Motion to Set Bond to Stay Hearing Pursuant to S.C. Code § 27-40-800(f)(1)** on Sharon Johnson by depositing a copy of it in the United States Mail, Postage Prepaid, on **April 13, 2026**, addressed to her at 1660 Old Trolley Road, Apartment F4, Summerville, SC 29485.

s/ Eric G. Pettis
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