

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Complete Heating and Air, LLC,
Respondent,

v.

Michelle Lindsay and Shaun Lindsay,
Appellants.

Appeal From Pickens County Court of Common Pleas
Case No. 2024-CP-39-00404

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APR 27 2026

SC Court of Appeals

108001

EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING APPEAL

Appellant Shaun Lindsay, appearing pro se, respectfully moves this Honorable Court for an Emergency Stay of Enforcement Pending Appeal pursuant to Rule 225, SCACR, Rule 241, SCACR, Rule 62, SCRCP, and the inherent equitable authority of this Court.

In support thereof, Appellant states as follows:

1. INTRODUCTION

This appeal arises from an Order entered in the Pickens County Court of Common Pleas affecting Appellant's residence, property interests, and continued exposure to enforcement proceedings associated with property located at 196 Mistr Lane, Pickens, South Carolina.

Appellant respectfully seeks an immediate stay of enforcement pending appellate review because enforcement of the judgment threatens irreparable harm before substantial jurisdictional, constitutional, contractual, accounting, and due process issues are resolved.

Appellant seeks temporary appellate relief to preserve the status quo while substantial legal issues remain under review.

Absent appellate intervention, enforcement may continue while the validity and enforceability of the judgment itself remain under appellate review.

This Motion seeks only temporary preservation of rights and property interests pending review and does not request adjudication of the merits at this stage.

2. BASIS FOR APPEAL AND STAY REQUEST

This appeal presents substantial legal questions including, but not limited to:

1. Whether service of process upon Appellant Shaun Lindsay was legally sufficient;
2. Whether personal jurisdiction was properly established;
3. Whether the judgment is void pursuant to Rule 60(b)(4), SCRCP;
4. Whether Appellant was improperly included despite lack of contractual privity;
5. Whether marriage alone may create liability absent contractual obligation;
6. Whether material payment credits and accounting disputes were omitted from the judgment;
7. Whether due process rights were denied through lack of meaningful notice and opportunity to be heard;
8. Whether enforcement should proceed while substantial jurisdictional and constitutional questions remain unresolved.

These issues directly affect the validity and enforceability of the judgment.

2A. SUBSTANTIAL QUESTIONS PRESENTED ON APPEAL

Appellant's appeal is not frivolous and raises substantial legal questions appropriate for appellate review.

The appeal challenges the validity of the judgment itself, including whether the trial court possessed personal jurisdiction to enter judgment against Appellant.

Appellant further raises substantial questions regarding whether enforcement may proceed where:

- Service of process remains materially disputed;
- The alleged service location was not Appellant's dwelling house or usual place of abode;
- Appellant asserts he was not personally served;
- Appellant asserts he was not a contracting party to the underlying obligation;
- Material payment credits and accounting disputes remain unresolved;
- Appellant lacked meaningful notice and opportunity to appear prior to judgment;
- Filings transmitted to the Clerk of Court may not have been timely reflected in the record prior to ruling;
- Enforcement continues despite unresolved due process concerns.

These issues present serious legal questions warranting preservation of the status quo pending appellate review.

3. IRREPARABLE HARM

Absent a stay, Appellant faces immediate and irreparable harm because:

- The judgment may be enrolled or enforced as a lien against Appellant's residence and property interests;
- Appellant may be compelled to disclose private banking and financial information;
- Continued contempt-related exposure may occur despite unresolved jurisdictional objections;
- The property is secured by a VA-backed mortgage requiring continued carrying costs, taxes, insurance, and maintenance obligations;
- Appellant is a service-connected disabled veteran whose housing stability and financial predictability may be materially impaired;
- Continued restriction and enforcement may impair refinancing, sale, equity preservation, title clarity, and property value;
- Enforcement may cloud title or create encumbrances difficult to reverse should appellate relief later be granted;
- Harm caused by enforcement may not be fully reversible if appellate relief is later granted.

Additionally, enforcement of the judgment threatens substantial hardship to Michelle Lindsay, who resides at the subject property and is a single mother responsible for four children.

Continued enforcement, lien activity, contempt-related proceedings, or restrictions affecting the property may create instability in housing, financial security, and the ability to maintain the residence during ongoing construction and repair.

The property remains a primary residence, and enforcement prior to appellate review risks creating unnecessary hardship upon occupants while disputed jurisdictional, notice, accounting, and liability issues remain unresolved.

These harms are not readily compensable through monetary relief and may create permanent prejudice before appellate review can occur.

4. BALANCE OF EQUITIES

The balance of equities favors preservation of the status quo because:

- Respondent suffers minimal prejudice from temporary delay;
- Appellant faces substantial hardship if enforcement proceeds;
- The appeal raises serious jurisdictional and constitutional concerns;
- Temporary preservation prevents irreversible harm;
- Judicial economy favors maintaining stability until appellate review is complete.

Respondent's position is not materially harmed by temporary delay because the judgment, if ultimately upheld, remains enforceable following appellate review.

Temporary preservation merely prevents irreversible harm while legal questions are resolved.

4A. PRESERVATION OF STATUS QUO

The purpose of a stay pending appeal is to preserve the status quo until appellate review is completed.

Granting a stay would not determine the merits of the case but would merely prevent irreversible enforcement consequences while this Court evaluates whether the judgment was lawfully entered and may lawfully remain enforceable.

Preservation of the status quo is particularly appropriate where jurisdiction, notice, service, liability, contractual obligation, accounting, and due process remain actively disputed.

4B. PUBLIC INTEREST AND FAIRNESS

Granting a temporary stay serves the interests of fairness, judicial economy, and orderly appellate process.

A stay ensures that appellate review occurs before irreversible enforcement consequences alter property rights, financial obligations, or housing stability.

Temporary preservation promotes confidence that substantial legal questions will be evaluated before permanent enforcement consequences occur.

5. GOOD FAITH BASIS

This Motion is filed in good faith and not for purposes of delay.

Appellant seeks only to preserve property rights, prevent irreparable harm, and maintain stability while appellate review proceeds.

Appellant does not seek to evade lawful obligations.

Rather, Appellant seeks limited protection from irreversible enforcement while substantial legal and constitutional questions remain under review.

Absent a stay, enforcement may proceed before this Court determines whether the judgment itself is valid.

6. REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Enter an immediate Stay of Enforcement Pending Appeal;
2. Prohibit execution, levy, garnishment, lien enforcement, contempt enforcement, or collection activity during appellate review;
3. Stay compelled disclosure of financial or banking information;
4. Preserve the status quo concerning the property located at 196 Mistr Lane, Pickens, South Carolina;
5. Stay restrictions affecting sale, transfer, marketability, or encumbrance of the property;
6. Grant such other and further relief as this Court deems just and proper.

Absent a stay, enforcement may proceed before this Court determines whether the judgment was lawfully entered and enforceable. Preservation of the status quo is therefore necessary to prevent irreversible prejudice during appellate review.

Respectfully submitted,

Shaun Lindsay

Shaun Lindsay
Pro Se Appellant
101 Rainbow Drive #14938
Livingston, TX 77399
shaun@shaunlindsay.com

Date: 4.22.2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Emergency Motion for Stay of Enforcement Pending Appeal was served upon counsel for Respondent by depositing same in the United States Mail, postage prepaid, and/or by electronic delivery addressed as follows:

David Wyatt, Esq.
1 Whitsett Street
Greenville, SC 29601

This 22nd day of April, 2026.

/s/ Shaun Lindsay
Shaun Lindsay
Pro Se Appellant

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following filings:

1. **Letter to David Wyatt Attorney for Complete Heat and Air**
2. **Notice of Appeal**
3. **Emergency Motion for Stay of Enforcement Pending Appeal filed with the South Carolina Court of Appeals**
4. **Certificate of Service**

were served upon counsel for Plaintiff/Respondent by depositing same in the United States Mail, postage prepaid, and/or by electronic delivery, addressed as follows:

David Wyatt, Esq.
1 Whitsett St.
Greenville, SC 29601

This 22nd day of April, 2026.

Respectfully submitted,

Shaun Lindsay

Shaun Lindsay
Pro Se Defendant/Appellant
101 Rainbow Drive
Livingston, TX 77399

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