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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Supreme Court Case No. 2026-000897
Appellate Case No. 2026-000027
Circuit Court Case No. 2025-CP-18-02700

Shelia Gaddist,

Appellant,

v.

SS Lake City 168 LLC DBA
Summerville Station Apartments,

Respondent.

MOTION TO DISMISS APPEAL, 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 DBA 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 Shelia Gaddist (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 South Carolina Supreme Court as follows:

PROCEDURAL HISTORY

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

2. On November 26, 2025, Appellant filed a Notice of Appeal with the Dorchester County Circuit Court (hereinafter “Appeal”).
3. On December 11, 2025, a bond-to-stay hearing was scheduled in the Summerville Magistrate Court; however, Appellant failed to appear and no bond was set.
4. As a result, Appellant’s Appeal was dismissed on December 18, 2025, and the Writ was reissued on January 7, 2026.
5. On January 7, 2026, Appellant filed a Notice and Motion for Appeal of the Writ with the South Carolina Court of Appeals (hereinafter “Court of Appeals”). The grounds stated in the motion were simply, “I would like to halt the eviction and get more time to pay.”
6. On January 22, 2026, the Court of Appeals issued an Order dismissing Appellant’s Appeal due to Appellant’s failure to comply with the deficiencies identified in the Court of Appeal’s prior letters.
7. On January 30, 2026, the Court of Appeals “construed” documents filed by Appellant as a Motion to Reinstate the Appeal and identified additional deficiencies that needed to be corrected within ten (10) days, including some of the same issues originally identified in the Court’s January 7, 2026 deficiency letters.
8. On February 4, 2026, Appellant filed a new Motion for Appeal / Motion for Rehearing with the Court of Appeals.
9. On April 8, 2026, the Court of Appeals issued an Order dismissing Appellant’s Appeal on the grounds that Appellant had failed to correct deficiencies previously identified in Appellant’s filings.
10. On April 13, 2026, Appellant filed a letter with the South Carolina Supreme Court (hereinafter “Supreme Court”). On the same date, the Supreme Court issued a letter stating

that it had “construed” Appellant’s letter as a petition for writ of certiorari and required Appellant to cure certain deficiencies by May 8, 2026, resulting from Appellant’s failure to: (1) comply with Rules 242(d) and 268, of the South Carolina Appellate Court Rule (hereinafter “SCACR”); (2) provide proof that a copy of the petition had been served on opposing counsel; and (3) submit the \$250 filing fee required to file the petition, in accordance with Rule 242(c), SCACR.

11. On April 16, 2026, Appellant submitted proof that the original petition for writ of certiorari was submitted to Respondent’s counsel.
12. On April 22, 2026, Appellant filed what appears to be an amended petition for writ of certiorari with the Supreme Court. The amended petition is substantially similar to the original petition filed on April 13, 2026, and continues to contain the same deficiencies previously identified by the Supreme Court. Additionally, Appellant failed to provide any proof or evidence that the amended petition was served on Respondent.
13. On May 13, 2026, the Supreme Court issued an Order dismissing Appellant’s Appeal due to Appellant failing to correct the deficiencies previously identified by the Supreme Court.
14. On May 27, 2026, Appellant filed a Motion to Reinstate the Appeal.
15. As of the date of this filing, upon information and belief, Appellant has failed to file a petition for writ of certiorari that complies with Rules 242 and 268, SCACR, submit a \$250 filing fee in accordance with Rule 242(c), SCACR, or submit valid grounds to reinstate the Appeal and reverse the Supreme Court’s previous dismissal.

MOTION TO DISMISS APPEAL

Upon review of the relevant provisions of the South Carolina Appellate Court Rules, it is apparent that Appellant's Appeal before the Supreme Court necessitates immediate dismissal.

Rule 260(a) of the South Carolina Appellate Court Rules, 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.

Pursuant to Rule 260(a), the Supreme Court is required to dismiss Appellant's Appeal because the deficiencies identified in the Supreme Court's prior letters were not corrected by May 8, 2026. Specifically, Appellant has not submitted a petition for writ of certiorari that complies with the content requirements set forth in Rule 242(d), SCACR, and has not complied with the required form pursuant to Rule 268, SCACR. Furthermore, Appellant has not submitted the \$250 filing fee required to file the petition in the Supreme Court.

Accordingly, Appellant's Motion to Reinstate the Appeal should be denied, the Appeal pending before the Supreme Court should be dismissed, and a remittitur should be issued pursuant to Rule 221, SCACR.

MOTION TO SET BOND TO STAY HEARING

Pursuant to S.C. Code § 27-40-800(f)(1), if the Supreme Court is inclined to deny Respondent's Motion to Dismiss the Appeal, bond must be set before this case may proceed further. 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 the Supreme Court, continuing harm is caused to Respondent. 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 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. The stay benefits Appellant despite their failure to prosecute their Appeal and comply with the South Carolina Appellate Court Rules. Under South Carolina law, the only recognized basis for staying the execution of a writ of ejectment in an eviction proceeding after a writ has been Appealed by a leaseholder, is the entry of a bond order pursuant to S.C. Code § 27-40-800. 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 Supreme Court declines to grant Respondent's Motion to Dismiss, the Court, in the alternative, direct the Dorchester County Circuit Court to schedule a bond-to-stay hearing, 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 the Supreme Court dismiss Appellant's Appeal in its entirety and deny Appellant's Motion to Reinstate the Appeal. Appellant has repeatedly failed to comply with the South Carolina Appellate Court Rules and has failed to articulate any legally cognizable basis for overturning the Court of Appeals' dismissal of Appellant's Appeal. In the alternative, should the Court be inclined to deny Respondent's Motion

to Dismiss, Respondent respectfully requests that the Supreme Court remand this case to the Dorchester County Circuit Court to conduct a bond-to-stay hearing at the earliest practicable date.

Respectfully Submitted,

BROWNLEE WHITLOW & PRAET, PLLC

s/ Eric G. Pettis
Eric G. Pettis, SC Bar No. 105832
P.O. Box 62975
N. Charleston, SC 29419
Tel/Fax (843) 213-6835
Email: epettis@bwpf-law.com
Attorney for Respondent

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North Charleston, SC